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The
Australasian Catholic Record

A Quarterly Publication under Ecclesiastical Sanction

"Pro Ecclesia Dei." St. Augustine.

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THOMAS HARRINGTON
CENSOR DEPUTATUS.

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Ia die, Octobris, 1960.

Official Documents

SACRA CONGREGATIO DE PROPAGANDA FIDE

FORMULA FACULTATUM DECENNALIUM

Vi potestatis sibi a SS.mo D. N. Joanne Div. Prov. Pp. XXIII tributae, haec S. Congregatio Ordinario sequentes facultates concedit ad decennium, quod decurrit a die 1 mensis Januarii anni 1961 ad diem 31 mensis Decembris anni 1970.

A) CIRCA SACRAMENTA ET SACROS RITUS

1. Concedendi sacerdotibus atque diaconis facultatem benedicendi aquam baptismalem per formulam breviorē in Rituali Romano contentam.

2. Conficiendi, si sit Episcopus consecratus, olea sacra cum numero ministrorum quos haberi contigerit: et, si necessitas urgeat, etiam extra diem Coenae Domini.

3. Concedendi sacerdotibus facultatem conficiendi oleum infirmorum, in casu tamen verae necessitatis, id est, si oleum infirmorum, ab Episcopo benedictum, haberi nequeat.

4. Concedendi facultatem administrandi Confirmationis Sacramentum nonnullis sacerdotibus, absente tamen aut longinque residente vel impedito quocumque Episcopo, et servato ritu in Rituali Romano contento¹.

5. Permittendi ut iusta de causa Missa celebrari possit, super altari portatili, sine ministrante, sub dio et in navi, dummodo, debitis cautelis adhibitis, nullum adsit irreverentiae periculum, et locus decens sit, etiamsi altare sit fractum vel sine Reliquiis Sanctorum; atque ut Missa inchoari queat post mediam noctem.

6. Permittendi ut sacerdotes substituere possint altari portatili seu petrae sacrae aliquod linteum ex lino vel cannabe confectum et rite benedictum, in quo conditae sint Sanctorum Reliquiae ab aliquo Ordinario loci recognitae, super quo iidem sacerdotes sacrosanctum Missae sacrificium celebrare queant iis tantum in casibus in quibus nulla ecclesia vel nullum oratorium publicum exstet, servatis de cetero servandis iuxta Rubricas, praesertim quoad tobaleas et corporale.

¹Cfr. Sacra Congregatio de Propaganda Fide, *Decretum de Confirmatione administranda iis, qui in periculo mortis sunt constituti*, A. S., 40 (1948), p. 41.

7. Permittendi ut Missa celebrari possit cum uno lumine cuiusvis generis; nec non permittendi ut Missa absque luminibus celebrari possit, in casu verae necessitatis.

8. Permittendi ut in utraque purificatione calicis aqua tantum adhiberi possit, dummodo tamen adsit vini penuria.

9. Permittendi thurificationem in Missis a solo celebrante cantatis vel etiam in Missis lectis cum cantu.

10. Concedendi ut Missa solemnis et aliae functiones liturgicae solemnes celebrari possint cum assistentia solius diaconi, si alii ministri sacri desint.

11. Permittendi ut adhibeantur paramenta, vestes sacrae et mappae altaris, confecta ex gossypio vel, exclusis corporalibus, pallis et purificatoriis, ex alia materia, quae deceat.

12. Concedendi sacerdotibus ut, iusta de causa, in celebrando Sancto Sacrificio, uti possint paramentis cuiusvis coloris liturgici.

13. Concedendi sacerdotibus ut bis vel ter in die Missam celebrare possint, si, iuxta prudens Ordinarii iudicium, notabilis partis fidelium bonum id postulet, servatis de caetero iure servandis.

14. Permittendi ut in ecclesiis et oratoriis publicis, quae privilegio iuris communis (can. 821 §§ 2-3) non gaudeant, vel in locis ubi Missa pro fidelibus celebrari soleat, tres Missae statim post mediam noctem Nativitatis Domini celebrari possint, cauto tamen ut omnia cum omni reverentia fiant.

15. Permittendi ut functiones Hebdomadae sanctae, etiam bis, et ritu simplici, celebrari queant hora postmeridiana, prudenti Ordinarii iudicio statuta, in locis quoque ubi Missa pro fidelibus celebrari solet; et quatenus neque praedictae functiones fieri possint, permittendi ut in iisdem locis Missa lecta Feria Quinta in Coena Domini opportunitiori hora litari possit.

16. Permittendi ut in ecclesiis ter infra hebdomadam, extra Quadragesimam, Missa lecta de Requie celebrari possit, etiam diebus ritus duplicis maioris et minoris, exceptis dominicis, octavis Nativitatis Domini, Paschatis et Pentecostes nec non feriis ac vigiliis privilegiatis, diebus tamen, quibus eadem Missa a rubricis permittitur, computatis.

17. Concedendi ut toto anni tempore Missa de Dominica celebrari possit diebus infra Hebdomadam modo ne occurrat festum ritus duplicis primae classis.

18. Permittendi, etiam diebus festis et dominicis, Missam votivam de B.M.V., diebus autem ferialibus etiam Missam de-

functorum, iis qui, ob defectum oculorum aliamve infirmitatem, legere nequeant vel nonnisi extremo cum labore Missas singulis diebus occurrentes iuxta Missalis Romani rubricas legere valeant.

19. Permittendi ut, iusta de causa, Sanctissimum Sacramentum cum duobus luminibus cuiusvis generis exponi possit. Quoad vero lumina in expositione perpetua et Quadraginta Horarum normas opportunas Ordinarius loci praescribere potest.

20. Permittendi ut, in locis ubi nulla prorsus materia ad lampades nutriendas haberi potest, Sanctissimum Sacramentum etiam sine lumine asservari possit, onerata conscientia ipsius Ordinarii.

21. Permittendi, si sit periculum irreverentiae vel sacrilegii, ut Sanctissimum Sacramentum in loco non sacro, decenti tamen, retineri possit, etiam sine lumine.

22. Permittendi ut Sanctissima Eucharistia asservari possit ad normam can. 1265, etiamsi sacerdos bis tantum in mense Missam in sacro loco celebret.

23. Permittendi religiosis utriusque sexus ut pallas, corporalia et purificatoria primo abluere valeant (*subdelegabilis*).

24. Permittendi sacerdotibus et diaconis ut, iusta de causa, deferre et administrare valeant christianis aegrotantibus Sanctissimam Eucharistiam sine superpelliceo et stola ac sine comite.

25. Permittendi ut tempus, quo Paschalis communio fieri potest, ad diem Cinerum anticipetur.

26. Conferendi, rationabili de causa, omnes Ordines minores eadem die, etiam cum prima Tonsura.

27. Conferendi, si sit Episcopus, iusta de causa, omnes sacros Ordines etiam Presbyteratum, diebus ferialibus etsi continuis.

28. Permittendi, iusta de causa, ut suis subditis omnes sacri Ordines, etiam Presbyteratus, diebus ferialibus etsi continuis conferri possint.

29. Dispensandi, canonicis exsistentibus causis, super impedimenti matrimonialibus sive minoris sive maioris gradus (can. 1042), tam publicis quam occultis, etiam multiplicibus, iuris tamen ecclesiastici, exceptis impedimentis provenientibus ex sacro Presbyteratus ordine, ex affinitate in linea recta, consummato matrimonio, et ex defectu praescriptae aetatis, quando sponsi ad aetatem ab antiquo iure praefixam nondum pervenerint (idest ad annum 14 completum pro viris et ad 12 completum pro mulieribus).

Concedendo tamen has dispensationes, Ordinarius prae oculis

habeat regulas statutas in Codice, a can. 1035 ad can. 1080, circa impedimenta in genere et in specie et, in impedimentis mixtae religionis et disparitatis cultus, servatis conditionibus ab Ecclesia praescriptis: videlicet de amovendo a catholico coniuge perversionis periculo, ac de universa prole utriusque sexus in catholicae religionis sanctitate tantum baptizanda et educanda², monita parte catholica de obligatione, qua tenetur, conversionem coniugis acatholici prudenter curandi: eaque lege ut, neque ante neque post matrimonium coram Ecclesia initum, partes adeant ministrum falsi cultus ad matrimoniale consensum praestandum vel renovandum. Si agatur vero de matrimoniis cum hebraeis vel mahumetanis, peculiari ratione oportet ut: constet de status libertate partis infidelis, ad removendum periculum polygamiae; absit periculum circumcisionis prolis; et si civilis actus sit ineundus, sit tantum caeremonia civilis nullaue Mahumetis invocatio aut aliud superstitionis genus interveniat (*subdelegabilis*).

30. Sanandi in radice, iuxta regulas in Codice a can. 1138 ad can. 1141 statutas, matrimonia ob aliquod impedimentum, de quo supra (n. 29) vel ob defectum formae, nulliter contracta. Quoad vero attinet ad prolis legitimationem, Ordinarius prae oculis habeat canones 1051, 1138.

Facultas sanandi in radice non extenditur ad casus in quibus supervenerit amentia unius vel utriusque partis. In singulis hisce casibus igitur ad S. Sedem recurrendum erit (*subdelegabilis*).

31. Sanandi pariter in radice matrimonia mixta attentata coram magistratu civili vel ministro acatholico, dummodo moraliter certum sit partem acatholicam universae prolis nasciturae catholicam educationem non esse impedituram (*subdelegabilis*).

32. Dispensandi super interpellatione coniugum in infidelitate relictorum³ pro omnibus casibus ordinariis, quando scilicet adhibitis antea omnibus diligentibus, etiam per publicas ephemerides, ad repiendum locum ubi coniux infidelis habitat, iisque in irritum cessis, constet ex processu saltem summario et extraudicialiter coniugem absentem moneri legitime non posse aut monitum intra tempus in monitione praefixum suam voluntatem non significasse (*subdelegabilis*).

²Cf. Sylloge ad usum missionariorum. Romae, 1939, p. 561 et ss.

³Pro dispensandis infidelibus plures uxores habentibus, ut post baptismum quam ex illis maluerint, si etiam ipsa fidelis fiat, retinere possint, nisi prima voluerit converti, cfr. can. 1125.

33. Itemque dispensandi super interpellatione coniugis in infidelitate relictī, siquidem certo constiterit ex processu saltem summario et extraiudicialiter interpellationem fieri non posse sine evidenti gravis damni aut coniugi iam ad fidem converso (etsi nondum baptizato), aut christianis inferendi periculo (*subdelegabilis*).

34. Permittendi ut, accedente gravi causa, interpellatio coniugis infidelis ante baptismum partis quae ad fidem convertitur fieri possit; nec non, gravi pariter de causa, ab eadem interpellatione, ante baptismum partis quae convertitur, dispensandi, dummodo hoc in casu ex processu saltem summario et extraiudiciali constet interpellationem fieri non posse, vel fore inutilem (*subdelegabilis*).

35. Concedendi, etiam in dioecesibus, sacerdotibus qui, praedicationis cursibus, quibus vulgo nomen est "missiones", ad evangelizandos fideles vel ad aliud exercitium pietatis implendum in longinquas regiones a parochiali sede dissitas pergunt, iisdem Missionibus perdurantibus, licentiam matrimonii celebrationi valide assistendi, firmis sacrorum canonum praescriptionibus tum de iuribus parochi servandis tum de inscriptione in libris paroecialibus facienda (*subdelegabilis*).

36. Impertiendi benedictionem nuptialem extra Missam aut preces recitandi iuxta formulas in Rituali Romano contentas (*subdelegabilis*).

37. Confirmandi Confessarium ordinarium etiam ad quartum et quintum triennium, servatis conditionibus in canone 526 praescriptis.

38. Permittendi, nomine Sanctae Sedis, ut Moniales e clausura maiore exeant pro brevibus egressibus et in casibus enumeratis in Instructione lata a S. C. de Religiosis die 25 martii 1956 (*subdelegabilis*).

B) CIRCA ABSOLUTIONES, BENEDICTIONES, INDULGENTIAS ET INDULTA VARIA

39. Absolvendi ab omnibus censuris, sive simpliciter sive speciali modo Romano Pontifici reservatis, iuxta can. 2250 § 3 (*subdelegabilis*).

40. Dispensandi vel commutandi, iusta de causa, vota privata, Sedi Apostolicae reservata, de quibus in can. 1309 (*subdelegabilis*).

41. Benedicendi solo crucis signo cum omnibus Indulgentiis a Sancta Sede concedi solitis, coronas precatorias, cruces, parvas statuas et sacra numismata, et adnectendi coronis Indulgentias, quae a S. Birgitta et quae a Patribus Crucigeris nuncupantur (*subdelegabilis*).

42. Conferendi uni alterive i.e. paucis ex sacerdotibus in casu necessitatis facultatem consecrandi, iuxta formam in Pontificali Romano praescriptam, calices, patenas et, iuxta formulam breviorē, altarium lapides, adhibitis tamen oleis ab Episcopo benedictis.

Pariter conferendi facultatem benedicendi linteum secundum formulam specialem in Rituali Romano contentam.

43. Impertiendi, praeter concessionēs communes a Sancta Sede factas, ter in anno in solemnioribus festis Benedictionem Papalem iuxta praescriptam formulam cum Indulgentia plenaria ab iis lucranda, qui vere poenitentes, confessi et Sacra Communionē refecti, eidem Benedictioni interfuerint, Deumque pro sanctae Fidei propagatione et iuxta mentem Summi Pontificis oraverint.

44. Concedendi ut, servatis consuetis conditionibus, Indulgentiam plenariam in primae Communionis solemni distributione et in Sacramenti Confirmationis administratione, christifideles omnes praesentes lucrari possint.

45. Concedendi Indulgentiam plenariam primo conversis ab haeresi, servatis consuetis conditionibus (*subdelegabilis*).

46. Concedendi Indulgentiam plenariam singulis ex clero et ex religiosis utriusque sexus, qui per tres saltem integros dies spiritualibus Exercitiis interfuerint, ac sacrosanctum Missae sacrificium celebrantes vel saltem ad Sacram Synaxim accedentes, pias preces fuderint, ut supra (n. 43).

47. Impertiendi Benedictionem Apostolicam cum Indulgentia plenaria omnibus christifidelibus, qui spiritualibus Exercitiis seu sacris Missionibus, de quibus in can. 1349 § 1, ultra medietatem interfuerint, benedictioni cum Cruce in fine postremae concionis impertiendae vere poenitentes, confessi ac Sacra Communionē refecti adstiterint, atque ecclesiam, in qua conciones huiusmodi habebuntur devote visitaverint, ibique pias ad Deum preces fuderint, ut supra (n. 43) (*subdelegabilis*).

48. Concedendi in actu visitationis paroeciarum, quasi-paroeciarum et missionum, nec non communitatum tam saecularium quam religiosorum, ut Indulgentiam plenariam una vice

tantum lucrari possint christifideles, dummodo contriti, confessi ac Sacra Communione refecti ecclesiam vel oratorium visiterint et pias ad Deum preces fuderint, ut supra (n. 43) (*subdelegabilis*).

49. Concedendi christifidelibus ut Indulgentias, propter quas confessio saltem bis in mense requiritur, lucrari possint, etsi semel in mense ad poenitentiae sacramentum accesserint (*subdelegabilis*).

50. Iisdem christifidelibus largiendi, si loca inhabitent ubi prorsus impossibile vel saltem sit difficile ad confessarium accedere, ut lucrari queant Indulgentias, quae Confessionem et Communionem requirunt, dummodo sint corde saltem contriti, addito firmo proposito peccata, quamprimum poterunt, confitendi (*subdelegabilis*).

51. Benedicendi Christi crucifixi imagines sculptas cum Indulgentia plenaria a quocumque ex fidelibus in mortis periculo constitutis lucranda eas deosculando, vel Sanctissimum Iesu nomen corde saltem, si ore non potuerint, invocando (*subdelegabilis*).

52. Erigendi, vel concedendi sacerdotibus facultatem erigendi, ritibus ab Ecclesia praescriptis, stationes Viae crucis, cum omnibus indulgentiis, quae huiusmodi pium exercitium peragentibus a Summis Pontificibus impertitae sunt; et applicandi easdem indulgentias crucibus et crucifixis, pro infirmis aliisque legitime impeditis, dummodo iidem crucifixum ad hoc benedictum cum affectu et animo contrito osculentur vel etiam tantum intueantur, brevem insimul, si possint, aliquam orationem vel precem iaculatoriam in memoriam Passionis et Mortis Domini recitantes.

53. Erigendi illas etiam confraternitates a Sancta Sede adprobatas quarum instituendarum ius apostolico ex privilegio aliis reservatum est (can. 686 § 2) (una excepta confraternitate Sacratissimi Rosarii) iisque adscribendi christifideles.

54. Concedendi sacerdotibus facultatem christifideles adscribendi confraternitatibus (inclusa confraternitate Sacratissimi Rosarii) atque benedicendi, ritibus ab Ecclesia praescriptis, omnia scapularia a Sede Apostolica probata, eaque imponendi sine onere inscriptionis.

55. Concedendi ut privatim recitari possit matutinum cum laudibus diei sequentis statim post meridiem.

56. Concedendi sacerdotibus diaconis et subdiaconis ut ob

legitimam gravemque rationem, loco Divini Officii, Rosarium integrum aut alias preces recitare possint.

57. Permittendi clericis ut vestes laicales induere possint, si aliter vel transire ad loca eorum curae commissa, vel in eis commode permanere nequeant.

58. Permittendi clericis et religiosis ut ad finem Regni Christi amplius dilatandi, medicinam et chirurgiam exercere valeant dommodo in istis artibus revera periti sint et in curandis infirmis omnia quae clericum et religiosum dedecent, vel scandalo esse possint, diligenter vitent, atque pro ipso exercitio artis suae nihil accipiant.

59. Dispensandi cum catholicis ut serviliter laborare valeant diebus Dominicis, vel festis de praecepto, exceptis Paschate et Pentecoste, post tamen Sanctae Missae auditionem, si possit audiri; si vero non possit, recitatis precibus suppletivis (*subdelegabilis*).

60. Permittendi ut, servatis rubricis, in dominicam proxime sequentem transferatur solemnitas festorum, quae secundum can. 1247 sunt ferianda, sed legitime abolita.

61. Transferendi processiones Rogationum in dies, quae secundum adiuncta locorum aptiores Ordinario videantur.

62. Concedendi, non ultra triennium, licentiam legendi ac retinendi, sub custodia tamen ne ad aliorum manus perveniant libros prohibitos et ephemerides, exceptis operibus haeresim vel schisma ex professo propugnantibus, vel etiam ipsa religionis fundamenta evertere nitentibus necnon operibus de obscoenis ex professo tractantibus, singulis christifidelibus sibi subditis, nonnisi tamen cum delectu ac rationabili de causa (cfr. can. 1402 § 2), iis scilicet tantum, qui eorundem librorum et ephemeridum lectione sive ad ea impugnanda sive ad proprium legitimum munus exercendum, vel iustum studiorum curriculum peragendum, vere indigeant.

C) PRO IPSO ORDINARIO

(excepto Vicario Generali et Delegato)

63. Asservandi in sacello domus stabilis suae residentiae actualis Sanctissimum Eucharistiae Sacramentum atque etiam pro Ordinario, caractere episcopali carente, fruendi indulto personali altaris privilegiati quotidiani.

64. Lucrandi indulgentias, quas aliis vi facultatum sibi concessarum impertire valet, impletis tamen consuetis conditionibus.

65. Si sit Episcopus, utendi throno cum baldachino et cappa magna in Pontificalibus; nec non permittendi presbyteris, in ecclesiis suae jurisdictionis celebrantibus, ut sui nominis tamquam Antistitis sive in precibus ferialibus sive in Canone Missae mentio fiat: quatenus haec a iure concessa non fuerint.

66. Pro Praefectis Apostolicis, utendi, durante munere, insignibus et privilegiis, ipsis a can. 308 concessis, etiam extra proprium territorium, praehabito, quoad exercitium Pontificalium, consensu Ordinarii.

67. Vestiendi paramentis pontificalibus, rationabili de causa, sine rochetto, tunicella et dalmatica.

68. Celebrandi, quando ob penuriam sacerdotum impossibilis sit Missae pontificalis litatio, Missam solemnem aut Missam in cantu sicut ceteri sacerdotes.

ANIMADVERSIONES

I. Memoratae facultates ea lege conceduntur, ut illae tantum subdelegari possint, quae ita explicate notantur per verbum "*subdelegabilis*".

II. Ordinarius, inclusis Vicario Generali et Delegato, uti potest, in iisdem tamen adiunctis, facultatibus seu permissionibus, quas, intra limites in praecedentibus articulis expressos, concedere potest.

III. Ordinarius insuper supradictis omnibus facultatibus sive per se sive per alios uti tantum valeat intra fines suae jurisdictionis; easque gratis et sine ulla mercede exerceat (praeterquam pro expensis Cancellariae et cursus postalis ab iis qui pares sunt ad eas solvendas exigendis) et facta mentione apostolicae delegationis (vel subdelegationis ab Ordinario).

IV. Quod si forte ex oblivione vel inadvertentia ultra tempus supra praefinitum, hisce facultatibus Ordinarium, vel eius delegatum, uti contingat, absolutiones, dispensationes, concessionem omnes exinde impertitae uti ratae atque validae habeantur. Insuper datis ab Ordinario precibus pro renovatione seu proratione earundem facultatum, ipsae in suo robore perseverare censeantur, usque dum responsum S. C. ad eundem Ordinarium pervenerit.

W. LEONARD.

From Caesarea to Malta.

St. Paul's Voyage and Shipwreck

In this nineteenth centenary year of the journey which brought St. Paul to Malta, and subsequently, via Syracuse, Rhegium and Puteoli to Rome, a pilgrim from Sydney found his way to Syracuse. It was in more senses than one a Pauline day of pilgrimage, for its object was the Syracuse where the Apostle stayed three days; it was also January 27th, the feast of St. John Chrysostom.

Having paid due honour to the "Madonna delle Lacrime," the pilgrim made his way to the Cathedral of Syracuse, where he found a canon and another priest in the sacristy. Without delay the question was asked: "Where can I find the memories of St. Paul?" The canon answered: "The memories of St. Paul are in the 'Acts of the Apostles';" and he added: "It is said that he preached in the catacombs, which are at the Church of San Giovanni."

The important thing in the circumstances was to see the old harbour of Syracuse; and the pilgrim had a good look at it. St. Paul's ship (the Alexandrian corn-ship "Dioscuri") certainly anchored in these waters and within this historic basin where Archimedes with his ingenious mirrors had burned the Roman ships in 213 B.C. The usual kindness of Julius the centurion towards Paul would lead us to believe that the prisoner was allowed to go ashore, and probably met some Christians. But the book of the Acts tells us nothing of this, and, in a sense, the silence is significant (compare Sidon and Puteoli).

The words of the wise canon of Syracuse contained an important lesson. There is no substitute for a close study of the text of Scripture itself. In this case, the memories of St. Paul's voyage westward are in the "Acts of the Apostles," graphically told by an eye-witness and participant (Acts 27:1-28:13). To have seen the places is a very valuable factor in that process of realization which has brought the "composition of place" into our methods of meditation; but it is what the inspired author tells us that supremely matters. Without that studious and meditative scrutiny of the sacred text, heaps of historical, archaeological, geographical and (in this case) nautical details may easily obscure rather than elucidate the great facts, which the Holy Ghost wished us to know.

In this article, therefore, we shall follow St. Luke's narrative closely, adding such few details of background and explanation as will make us spiritually companions of Luke and Aristarchus, while they accompany our beloved Apostle of the Gentiles across the Mediterranean¹.

The pages of Acts which bring us from Caesarea to the end of St. Paul's three months' stay at Malta belong to the fourth and last of the We-sections. They are from the hand of St. Luke, who *saw* and *experienced* himself the things which he narrates with such vivid and graphic touch. The narrative is the most important journal of a sea voyage that has come down to us from antiquity and has been recognised as unique by such an eminent scholar as Theodor Mommsen. In the nineteenth century it attracted the attention of nautical experts, and it is attested that Lord Nelson read it on the morning of the battle of Copenhagen (Riciotti says erroneously "the morning of Trafalgar").²

In order to join the convoy which the book of "Acts" is to take to Rome, we must first betake ourselves to Caesarea of Palestine. This city owed its splendour and the importance of its fine harbour to Herod the Great, who had built both city and harbour some half-dozen years before his death, in honour of Caesar Augustus, whence it derived its name. It became the official residence of the Roman Procurators or Governors of Judea. Up to recently (59/60) the Procurator was Marcus Antonius Felix, a freedman of Claudius, and a brother of the

¹There are many good Catholic commentaries on the Acts. That of Jacquier still remains the best (*Études Bibliques*, Paris, 1926). The recent commentary of Giuseppe Riciotti is available in English. After the older but still valuable works of Fouard, there are recent Lives of St. Paul; a short one by Prat (*Les Saints*, Paris, 1928); a popular but somewhat inaccurate Life by Holzner (*Paul of Tarsus*, English Translation, Herder, 1944); and a scholarly Life by Riciotti (*Paolo Apostolo*, Rome, 1946).

²There are many nautical studies of the Lucan text in various languages, but the most epoch-making and, on the whole, unsurpassed study is the work of the Englishman, James Smith (*The Voyage and Shipwreck of St. Paul*). This was first published in 1848; I have seen the second edition of 1850, but it had a third edition in 1866—Riciotti mentions one of 1886, but I fear this is a mistake. Now, unfortunately, the book is not easy to get, but it has been abundantly drawn upon by Conybeare and Howson (*Life and Letters of St. Paul*, Longmans, 1877—a mine of carefully gathered information). It is also followed and partly supplemented by Sir William Ramsay (*St. Paul, the Traveler and Roman Citizen*, 1896). Bibliographies list many books on Ancient Navigation, e.g., Lucian, *The Ship*; Koester, *Das antike Seewesen*, 1923; Rose, *"The Mediterranean in the Ancient World"*, 1933. The article *Seewesen* in Pauly-Wissowa, by Miltner (Supplements, columns 906-962) is very thorough and comprehensive.

avaricious Pallas, who was still holding on in Nero's court. The history of Antonius Felix does not, by any means, mark him as a noble character. He had kept St. Paul a prisoner at Caesarea for two years, hoping to get money from him. He had other bad deeds to account for, but, in particular he seems to have acted illegally in keeping an uncondemned prisoner beyond the maximum time of detention, which was two years.

At the time that we come to Caesarea there has been a change of governor. Felix has been succeeded by a member of the illustrious Roman *gens* of the Porcii, to which the Catos had belonged. Tusculum was their old home, and those who studied at Rome will be reminded at once of Monte Porzio Catone above Frascati. Josephus represents Porcius Festus as a magistrate of integrity and honour. He probably arrived in Palestine to take over his administration in late July or early August of the year 60 A.D.

His dealings with the prisoner Paul resulted in the Apostle's use of his Roman citizen's right to appeal to Caesar. The scene is a most memorable one. The Apostle was magnificent, as he always was, and his impassioned words ended with "To Caesar I appeal." Festus, having spoken with his Council, answered in words which St. Luke gives in Greek but which seem most native in Latin: "Caesarem appellasti, ad Caesarem ibis." This sentence was confirmed later, when King Agrippa II had been asked by the Procurator to hear Paul. Agrippa's verdict was "This man could be set free, if he had not appealed to Caesar."

The Roman journey was therefore decreed. Documents had to be drawn up and preparations made. The conjectural determination of time is a contentious matter, but, summing up all the indications available, we think that the convoy was awaiting a ship at Caesarea early in September. Military authorities (Vegetius) considered that sailing in the Mediterranean began to be dangerous on September 14. The period which the Romans called "*mare clausum*" extended, however, from November 15 to March 6. Our only indication of time in the Acts, which can help us somewhat in dating is this: When the travellers had reached Fair Havens in Crete, after more than three weeks' difficult sailing, the Fast, that is, the Day of Atonement, had already passed. That Fast, occurring on the 10th of the Jewish month Tishri, fell about or after the autumn equinox, but, according to Jewish Calendars which I have seen, it could occur as late as October 14. Ramsay, who held 59 to be

the date of the voyage, places the Fast in that year on October 5. Not having an astronomical calculation for 60 A.D., all I can say is that the Fast was somewhere about the Kalends of October.

If this is so, we sail from Caesarea towards the middle of September. Our first ship is a coastal boat. It belongs to Adramyttium near Troas, opposite Lesbos (the place is now called Edremit). This ship is touching the ports of Asia, chiefly, no doubt, those of the west coast of Asia Minor on its way home to Adramyttium. As we are going to tranship at Myra in Lycia, it is better to defer nautical observations till then. It must, however, be well understood from the beginning that we are not travelling on a naval trireme or quinquereme, such as the screening of Ben Hur has recently shown us. Both the ships on which we are to travel are mercantile sailing ships.

Paul is not the only prisoner to be shipped to Rome. There are others. Some possibly are *sicarii* or other notable criminals of one kind or another destined to fight the beasts (not, of course, in the Coliseum, which was not yet built, but in some arena, "where Roman holidays" were celebrated). The text perhaps gives the impression that they were not common ruffians and that they enjoyed "*custodia militaris*," which consisted in the prisoner's right hand being chained to the left hand of the soldier who guarded him.

These men were all placed under the custody of Julius, a centurion of the Cohors Augusta. We should like to know more of this noble officer. He may simply have belonged to one of the five cohorts stationed at Caesarea, or, as some commentators have thought, he may have been a pretorian officer who had come to escort the new governor, or been sent on some other imperial business. In any case we salute Julius as a friend from the beginning of his illustrious prisoner, Paul of Tarsus. Julius was not the only soldier who fell under the spell of the energetic little man. We recall the tribune Claudius Lysias at Jerusalem.

Luke "the beloved physician" is going on board, also the Jewish Christian Aristarchus from Thessalonica, who was later to be mentioned by the Apostle under the titles of "fellow-prisoner" and "fellow-worker." These may have paid their fares as passengers, or may be going by favour of Julius, but more probably they were permitted to travel as slaves of Paul. A Roman citizen travelling on appeal to Caesar had a right to the service of two slaves. We know this from Roman literature, especially

from Tacitus in his moving narrative of the condemnation of Thrasea Paetus (*Annales*, 14).

The relatively small vessel did well on the coast of Palestine. Passing the harbours of Ptolemais and Tyre it came next day to Sidon in Phoenicia. One could reminisce freely about Sidon, since the day that Solomon praised the Sidonians to Hiram: "There is not a man among us who knows how to cut timber like the Sidonians." What interests us here is that Sidon had not only been visited by Our Lord but had received the seeds of the Gospel shortly after the persecution that sent the missionaries abroad following the death of St. Stephen. St. Paul knew the community personally and was allowed by Julius to visit it.

In good weather a ship bound for the western ports of Asia Minor would have sailed south of Cyprus. The prevalence of the north-west winds that blow in the Levant in autumn prevented this. The ship therefore sought the shelter and the current that favoured navigation between Cyprus to the left and Asia Minor to the right. It sailed "the sea of Cilicia and Pamphylia." Progress was slow, however; the Western Text tells us that it took them fifteen days to reach Myra in Lycia.

Myra was a great port of call for the corn-ships, which sailed from Alexandria under imperial patronage to feed the populace of Rome, who needed bread even more than their beloved spectacles (*panem magis quam circenses*). The corn-fleet was in fact an imperial fleet, although the ships may have belonged to contractors. The imperial purse indemnified for all losses by shipwreck.

It is not surprising, therefore, that the centurion found at Myra an Alexandrian ship about to sail for Italy. To it he transferred the prisoners and soldiers who guarded them. To this same ship we are now passing. Let us have a look at it and note the number and variety of people on board.

Ships of 1000 tons were very large ships in those days, and this Alexandrian vessel was not one of the largest. When we compare it with a ship which was wrecked while carrying Josephus Flavius in 64 A.D., we find that, while his ship carried 600 people, ours has only 276, counted purposely before the shipwreck at Malta, the number being registered in the Acts of the Apostles—St. Luke had a flair for numbers. It has been calculated that such a ship might have a tonnage of 500.

It is, of course, a wooden ship and looks much the same at the prow and the stern. It has been said that, if we cut two

small modern ships in halves, and put the bow- or prow-halves together to form one ship, we have something like that Alexandrian vessel. It had a main mast in the centre with a large square sail, and a small mast in front for a foresail. It did not have a hinge-rudder, but two wide oars, manipulated on the left and right of the stern. The ship's gear included a windlass and strong cables of which we shall see the use during the voyage. There was no compass, for the use of compasses was not known in Europe till the twelfth century. Steering was dependent on the guidance of the heavenly bodies by day and by night; and the invisibility of winter-time was what ancient navigators feared most.

Of those on board we should note, besides Paul and his two companions—besides the centurion Julius, his prisoners and his soldiers—the crew of sailors, who were subject to two governing personages called respectively *kubernetes* and *naukleros*. These titles are taken by some to designate the steersman (or pilot) and the captain respectively. More probably *kubernetes*, “rector navis,” would correspond to captain. The *naukleros* would be the shipowner on contract to the state commissariat. This is borne out by a text of Plutarch (*mor.* 807B): The *kubernetes* chooses the sailors and the *naukleros* chooses the *kubernetes*. The centurion was, however, the supreme imperial officer on the ship.

From Myra progress was slow. Several days later the ship stood off Cnidus, a city and port standing on the isthmus which joined to Caria the southern peninsula that closed the Ceramic Gulf. In good weather the ship would have made straight towards the island of Kythera (Cerigo) to the south of the Peloponesus, between Capes Malea and Matapan. The wind prohibited this; and sailing by Salmone (Sideros) the ship rounded the south-eastern corner of Crete and coasted the southern land-line of the island. Thus “we came to a place called Fair Havens (*Kaloi Limenes, Boniportus*), near which was the city of Lasea.”

As the coasting had been difficult, and the prospects of good navigation were disappearing with the advance of October, St. Paul advised wintering at Fair Havens, in a small but well-sheltered basin. The Apostle pointed forcibly to the battering of the weather (*hubris*), the risk to the cargo, to the ship and to the lives of the travellers. The centurion, however, took the advice of the captain and the master of the ship. Fair Havens was considered unsuitable for wintering, and it was decided to continue in the hope of reaching the more westerly Cretan port of Phoenix. This involved rounding Cape Matala (Lithinos). We

are now come to the most nautical part of the narrative. Experts have admired St. Luke's accuracy. It must be remembered, however, that he was not a sailor; he was a physician. He was a good observer, but he left some things unnoted which a sailor would have noted. And for us moderns there are certain terms which are of doubtful interpretation. Space does not allow us to discuss various opinions. We shall follow what seems more probable.

The ship did not get to the port of Phoenix. St. Luke did not actually see the place and there is some difficulty in explaining his description of it; "a port of Crete looking to *Lips* and *Chōros*." *Lips* is the African wind from the south-west and *Chōros* is the north-west wind. The ancient geographers Strabo and Ptolemy mention Phoenix, and it seems that the name still survives as Phineka. As an identification of the place here mentioned by St. Luke, however, the little bay of Phineka (now called Plaka) has a rival in the bay of Lutro. This bay, a mile nearer, to the east, is so oriented as to provide shelter from both south-west and north-west winds.

What happened was as follows. Our ship set out from Fair Havens with a promising wind, a light southerly which favoured the rounding of Cape Matala. Things looked good, but once the ship was out of the shelter of the lofty Cretan Mount Ida the optimism of the sailors was shattered by a hurricane blowing from the island, a *Euraquilo* or violent north-easter—a "typhonic" wind, as St. Luke calls it. It was impossible to face it (antophthalmein); the only thing to do was to drift before it with whatever tacking ancient ships were capable of. Momentary relief was obtained, while our ship was driven under the lee of the little island of Cauda (Gozzo, now Gaudos) directly south of Phoenix. There the dinghy, which was being trailed behind, was with difficulty hoisted on board, and the ship was girded with strong cables ("frapped," as English sailors used to say), in order to prevent starting of its timbers, which would result in its springing leaks. For this operation they "used helps"—which seems to mean that some mechanical appliances were employed. The Western Text also mentions the furling of the sail.

With a strong north-easterly blowing, what the sailors feared most was that the ship would be driven on to the shoals of the Great Syrtis, an area of sand-banks off the African coast, west of Cyrenaica. They threw out a large floating anchor (*to skeuos*), to retard the drift of the ship. "And so they were driven along."

The above measures were taken on the first day of the hurricane. On the second day some things on board, which were considered dispensable in the circumstances, were jettisoned. On the third day with their own hands the sailors threw over the "gear" (*skeue*) of the ship, probably ropes and instruments of one kind or another. For several days neither sun nor stars appeared, the storm continued to rage, and things reached such a pass that "all hope of our being saved vanished."

Literally, the captain and crew of the ship did not know where they were drifting now. Such overclouded weather had taken away all sense of direction. The scenes on board can be more or less imagined. Doubtless, many were seasick, and what that would have meant in a small crowded ship is more easily imagined than described. St. Luke notes particularly that there was *polle asitia*, which would mean that regular meals were not available and certainly were not regularly partaken of. A nausea for food would have afflicted some, and the hopelessness of the situation would have kept others from eating. St. Luke seems to indicate that this fasting (*ieiunatio* in the Latin Vulgate) was the twin of despondency. It was St. Paul that spoke the heartening word in the midst of that crowd of weak and hungry and disheartened people—the word that was really a *vox Domini* greater than the storm. *Statheis ho Paulos en meso auton*—the same phrase introduces the speech delivered on the Areopagus nearly ten years ago—he said: "You should have listened to me, my friends (*andres*) and not have set sail from Crete, to run into this misfortune and loss. In any case, I now bid you be of good heart, for there will be no loss of life among you, but only of the ship. For this very night there stood beside me an angel of God, to whom I belong and whom I serve, and he said to me: 'Never fear, Paul, you must appear before Caesar and, note well, God has granted you the lives of all who are sailing with you.' So take heart, my friends, for I have faith in God that it will be just as I have been told. That means that we are to run on to some island."

St. Paul conjectured rightly that the salvation which God promised should happen through the ship being stranded on some island.

The angel, we presume, did not tell the Apostle where the ship was—we do not even know what day of the hurricane it was—but St. Luke tells us that on the fourteenth night of their drifting in the Adriatic Sea the sailors, about midnight, had

some intimation that land was near—the text says in very sailorly fashion that “some land was coming near them.” The Adriatic mentioned is not what we now call the Adriatic. *Adrias* was used in extended sense of the whole tract of the Ionian Sea between Sicily, Crete and the north coast of Africa (Strabo, Josephus, etc.). Codex B suggests that the sailors guessed the approach of land from the sound of breakers. This present direction of the ship’s drift shows that the wind had changed. The tricks of the winds are many, and it seems that the *Euraquilo* may have changed into what Horace calls: “*Auster dux inquieti turbidus Hadriae*” and then into a more easterly wind—there is no reason for supposing such a very zig-zag line of drift as that marked in Grollenberg’s Atlas.

The sailors now threw the lead and took a first sounding, which showed 20 fathoms; a little farther on they took another sounding and it showed 15 fathoms. There was some excitement of activity on board at last. “Fearing that we might run on to rocks” the mariners put out four anchors from the stern, and settled down to long and pray for daylight. Meanwhile, however, the sailors (some of them at least) tried to escape from the ship. They had proceeded to lower the dinghy on to the sea on the pretext that they wanted to put out anchors from the bow also. Paul, alive to everything, saw through the manoeuvre, and said to the centurion and the soldiers: “Unless these men stay in the ship, you cannot be saved.” The Apostle understood that the divine promise given to himself for the saving of all supposed ordinary human means such as the nautical skill of the sailors. The soldiers acted on the moment. They cut the ropes attaching the dinghy and let it off into the sea.

As the day was about to dawn, Paul urged all on the ship to take food. He said: “This is the fourteenth day that you have been in continual suspense. You have been without food, having taken nothing. I urge you, therefore, to have something to eat. That is necessary to give you strength and secure your safety, for not a hair of the head of any one of you shall perish.” Having said this, he took some bread, gave thanks to God in the presence of all, broke it, and began to eat.

The gesture of St. Paul described in this last sentence is evocative of St. Luke’s language concerning the Eucharist (Lk. 22:19; Acts 2:42) and this evocation by St. Luke himself may not be unintentional; but in the circumstances the Apostle’s action here does not seem to denote any sacramental rite but

rather the usual food-ritual of a pious Jew. It is not exegesis and it is not piety to read into the Scriptures what is not there.

The good example was infectious. Renewing their courage all took some nourishment. It was for this distribution of food that a counting of heads was made: "In the ship we were in all 276 souls" (true reading of Sinaiticus and other MSS). Refreshed and strengthened by the meal, the crew set to lighten the ship, throwing the cargo of wheat into the sea.

When daylight had come, the sailors did not recognise the place. They had not seen that coast before. What they distinguished was a bay with a beach, on to which they planned, if possible to bring the ship ashore—"to push it ashore" has a rival reading "to save it ashore." The anchors were detached and abandoned; the ropes of the two rudder-oars were loosened; the small foresail was hoisted. The speed of the ship making for the shore under a strong wind would have been considerable. The sailors, however, did not succeed in getting the vessel ashore. This was stopped by the mishap that the ship ran *eis topon dithalasson*. Much has been written about *topos dithalassos*. It means "a place between two seas"—Horace calls Corinth "bimaris Corinthus." The Greek word occurs in several authors (Strabo, Dio Chrysostom, etc.). The fact that the ship grounded and stuck in this "place of two seas" would seem to indicate that it was a high sandbank, with deep water before and behind it—a German scholar calls it an *Aussengrund*. With due respect to James Smith and others who have explained the place of "two seas" differently, this seems to satisfy the context: "The prow stuck fast and remained immovable, while the stern was broken up by the violence of the waves." The ship was now wrecked. What next?

The soldiers, whose responsibility for the custody of their prisoners can be gathered from Acts 12:19 (St. Peter's gaolers) and from Acts 16:27 (the gaoler of Philippi) broached the plan to kill the prisoners, lest any should escape by swimming ashore. The centurion, wishing to save Paul, kept them from carrying out this purpose. It was our good Julius, who, as supreme military authority, gave the orders for the abandonment of the ship (called *ploion* throughout the whole narrative up to the moment when it runs aground): why it ceases to be "boat" and becomes a ship (*naus*) at that moment St. Luke alone could tell us.

The centurion's orders were that those who could swim should

throw themselves overboard first and make for the land, the others should find their way ashore on planks or on pieces from the ship. And so it was that all came safely to land. St. Luke, resuming the first person plural, adds: "After we had escaped to safety, we then learned that the island was called Malta." There is no doubt that Melita or Malta in the Acts really stands for the island sixty miles south of Sicily which glories in calling one of its bays "The Bay of St. Paul." There is an island midway up the Adriatic, off the coast of Dalmatia, called Meleda to-day and anciently known by the same name Melita. A claim that this was the island of the shipwreck is certainly excluded by the text of the Acts of the Apostles. Returning to the words of the canon of Syracuse, the memories of St. Paul are in the Acts of the Apostles and the claims of Mediterranean Malta are also in the Acts of the Apostles. We hope to deal with them in a subsequent article.

We have come to Malta, with Luke and Aristarchus, very proud of the Vessel of Election who travelled on that Alexandrian vessel and whose fourth shipwreck this is. We are also very grateful to the good Julius for his kindness to the Apostle of Jesus Christ.

In terminating, a word of congratulation to the Maltese people will not be out of place. Through the centuries and to-day they have honoured St. Paul by holding and keeping Catholic Christianity in the "very marrow of their bones."

W. LEONARD.

St. Patrick's College, Manly.

SHORT NOTICE

ANIMA CHRISTI, by John L. Forster, S.J., St. Aloysius' College, Milson's Point, N.S.W.

The prayer *Anima Christi* is one of the most appealing in our Catholic devotional literature. The author of this quiet little book, which in this strident world of brutal books is so refreshing, points out that the prayer is closely associated with St. Ignatius Loyola, but he considers that the *Anima Christi* was written by Pope John XXII (1330). If that is the case, we have a breath of the Middle Ages expressing the wonderful Catholic love of Our Divine Saviour. Father Forster's method is to take each petition of the prayer as a point of meditation giving many short paragraphs which stimulate reflection and resolutions. In this way we are continually addressing Our Lord with appropriate petitions. The little book is an excellent book to use for meditations and Holy Hours. It should be a most practical book—small, cheap—to bring to the notice of the devout faithful who would then be able to deepen their spiritual life by meditation.

T.V.

Moral Theology

SOME MISSIONARY FACULTIES

At the beginning of each decade since the promulgation of the Code of Canon Law, the Sacred Congregation of Propaganda Fide has forwarded to the Ordinaries of Dioceses, Vicariates and Prefectures Apostolic, and other Territories under its jurisdiction a Formula of Faculties, granting certain powers over and above what they enjoy by common law. A new Formula has been issued recently which will come into force on 1st January, 1961, and will be operative until 31st December, 1970. At the end of the current year (1960), the Faculties granted in 1950 will be no longer valid. Any Indults granted to the Ordinaries at their special request and endorsed *valiturae usque ad expirationem facultatum generalium*, or in similar terms, will expire at the same time.

Prior to 1941, there were three ordinary Formulae, known respectively as the *Formula prima*, *secunda* and *tertia*. The distinction was based largely on the distance from Rome and the state of progress of the Missionary Territory, the Ordinaries of Australia being provided for by the *Formula secunda*.¹ The second and third Formulae were given in two *pagellae*, the *Formula maior* and the *Formula minor*; the *Formula maior* was for Ordinaries who were in Episcopal Orders, the *Formula minor* for such as Prefects Apostolic and Superiors of Missions *sui iuris*, who were not Bishops. In 1941, the distinction of the three Formulae was discontinued, but the one Formula was slightly changed, according as the Ordinary was a Bishop or not, while the names *Formula maior* and *Formula minor* were retained. The new Faculties do not take this distinction into account, but in the same Formula modifications are mentioned, where necessary, to accommodate the Faculties to the status of Ordinary.

The latest Formula contains sixty-eight Faculties. The first thirty-eight are under the heading: *Circa Sacramenta et Sacros Ritus*; the next twenty-four are: *Circa Absolutiones, Benedictiones et Indulta varia*; while the remaining six are *Pro ipso Ordinario*, to the exclusion even of the Vicar General and the Vicar Delegate.

¹A copy of the *Formula secunda (maior)* then in force may be seen in Appendix IV. of the Acta of the Fourth Plenary Council of Australia and New Zealand (1937).

Some of the Faculties refer to the use of the power of Orders by the Ordinary himself, as n. 2, which permits him, if he be a consecrated Bishop, to bless the Holy Oils with the number of ministers available, and outside Holy Thursday; and n. 27, allowing the Bishop to confer all the sacred Orders, including Priesthood, on ferial days, even though they be in immediate succession.² Other faculties enable the Ordinary to authorise the clergy to use the power of Orders, v.g., by virtue of n. 1 he may give to priests and deacons the Faculty to bless baptismal water according to the shorter Formula found in the Roman Ritual, and from n. 13 he may permit priests to celebrate Mass twice or three times in the one day, if, in his prudent judgment, the good of a notable portion of the faithful requires it. Other faculties refer to the power of jurisdiction, as n. 29 which deals with matrimonial impediments and dispensations from them; n. 39 concerning absolution from reserved censures, or n. 59, whereby he may dispense the faithful from the obligation of abstaining from servile work on Sundays and Holidays, except Easter and Pentecost Sundays, provided they have first heard Mass, etc. Again, some of the Faculties modify the application of the liturgical laws concerning the functions of Holy Week (n. 15), the celebration of Requiem and other Masses (nn. 16, 17) the Exposition and reservation of the Blessed Sacrament (nn. 19-22)), etc.

The Faculties are given to the Ordinary. This term is to be interpreted, according to the rule of can. 198, par. 1, to include the Residential Bishop, an Abbot or Prelate *nullius*, and the Vicar-General of a Diocese or Abbey or Prelacy *nullius*, an Apostolic Administrator (appointed by the Holy See to govern a Diocese or other Territory, either temporarily or permanently, sometimes *sede plena* at others *sede vacante*), the Vicar Apostolic (who is usually in Episcopal Orders and is in charge of a Vicariate, which he rules not in his own right, as does a residential Bishop, but as the Vicar of the Roman Pontiff), the Prefect Apostolic (who is normally in priest's Orders and has jurisdiction over a Prefecture), and also those who, in default of any of the above, temporarily succeed to the government, according to law (v.g., the Vicar Capitular for a Diocese or the Pro-vicar or Pro-prefect for a Vicariate or Prefecture Apostolic), or approved religious constitutions (whoever rules an Abbey *nullius* during the

²The faculty to dispense deacons from the defect of age for Ordination to the Priesthood is no longer contained in the Formula.

vacancy). In Missionary law the Vicar Delegate is an Ordinary, as is also the Superior of a Mission *sui iuris*.

Some of the Faculties of their very nature cannot be delegated to priests, for they require the exercise of Episcopal Orders; and others—the last six—are given to the Ordinary alone with the explicit exclusion of even the Vicar General or the Vicar Delegate. Of these, n. 65 refers only to Bishops, who may use the throne and cappa, when they pontificate, and have their name mentioned in the Canon of the Mass and the ferial prayers of the Office. N. 63 permits the Ordinary to reserve the Blessed Sacrament in the oratory of his habitual residence, and to enjoy the indult of a privileged altar every day. (If he is a Bishop, he already enjoys this latter privilege from law—can. 349, cf. can. 239, 10°.) He may gain the indulgences, which he can grant to others by virtue of the Missionary Faculties (n. 64). Prefects Apostolic may use the insignia and privileges of Protonotaries *de numero participantium*, even outside their territory (n. 66), and those who are entitled to use Pontificalia, whether Bishops or not, may vest without the rochet, dalmatic and tunic for a reasonable cause (n. 67); and where the shortage of priests makes a Pontifical Mass impossible, they may sing a solemn Mass or even a *Missa cantata*, as do other priests (n. 68).

All the other Faculties the Bishop of a Diocese may exercise personally or through his Vicar General, and a Vicar or Prefect Apostolic likewise personally or through the Vicar Delegate.

May the Ordinary exercise these Faculties through a priest whom he subdelegates? According to the norm of can. 199, par. 2, power of jurisdiction delegated by the Holy See may be subdelegated, even habitually, except the jurisdiction in question has been given *intuitu personae*, or subdelegation has been expressly forbidden. The present Faculties have been given under the condition that they cannot be subdelegated, unless the word *subdelegabilis* is noted after the particular Faculty. In point of fact, where subdelegation is possible or would be an advantage, it has been provided for. In practice there is no difficulty, as the Ordinary (or the Vicar General or Vicar Delegate) must personally exercise the Faculties which have not been given with power of subdelegation.

In whose favour may the Faculties be used? *Animadversio III* at the end of the Formula states that the Ordinary may use them, whether personally or through the medium of others "within the limits of his jurisdiction." His jurisdiction extends to his

subjects; and it is only over rational beings that jurisdiction can be exercised. He acquires subjects because of some link they have with the territory in which he is appointed to rule. The subjects of an Ordinary are baptised persons who have a domicile or quasi-domicile in his territory. Over them he exercises jurisdiction directly, over others he may exercise it indirectly, as in the case of matrimonial impediments, where a dispensation given in favour of one of the parties indirectly benefits the other. A dispensation from the impediment of *disparitas cultus* must be given by the Ordinary of the Catholic, as the other, being unbaptised, is not a subject of any Ordinary; while a dispensation from consanguinity between two Catholics could be given by the Ordinary of either. *Vagi*, who have nowhere a domicile or quasi-domicile, are subject to the Ordinary of the place where they actually stay. *Peregrini*, who are away from their place of domicile or quasi-domicile, are not subjects of the Ordinary of the place where they actually are present, except in the cases provided by law.³

How far does the jurisdiction of an Ordinary extend over his subjects when they are absent from his territory? As general rule, he may not exercise judicial jurisdiction outside his own territory, but non-judicial or "voluntary" jurisdiction may be exercised in favour of his own subjects everywhere.

By special provision of law, the Ordinary may exercise judicial power over his subjects in some cases. Thus, he may give them sacramental absolution everywhere (can. 881, par. 2),⁴ absolve them from censures reserved *a iure* to the Ordinary (can. 2253, n. 3) and seemingly from any censures reserved *a iure* to the Holy See, *simpliciter* or *speciali modo* (fac. 39). He cannot, however, set up his court in another Diocese, etc., except in the case contemplated in can. 1637, i.e., if he is driven by force from his own territory or forcefully prevented from exercising his jurisdiction there.

³*Peregrini* are subject to the local Ordinary with regard to sacramental absolution (can. 881, par. 1.), gaining Indulgences (can. 927), matrimonial dispensations in danger of death (can. 1043) or when an impediment is discovered only when all preparations have been made for the marriage (can. 1045), dispensations from the laws of fast and abstinence and the observance of feasts (can. 1245, par. 1.) and dispensations from vows that are not reserved (can. 1313, n. 1.)

⁴The giving of sacramental absolution is an exercise of judicial power. Those who have ordinary faculties for confessions may absolve their own subjects everywhere. A priest with faculties for all penitents, delegated *ab homine*, may give valid absolution only within the limits of the territory of the Ordinary from whom he has the faculty. (can. 881, par. 2.)

Granting a dispensation is the use of voluntary jurisdiction. When the Ordinary is absent from his territory, he may dispense his subjects who are at home; while they are away he may dispense from home; and if both he and they are away, he may still use his powers of dispensing. The same principle holds for a priest, who enjoys the missionary Faculty of dispensing from an ecclesiastical law by subdelegation: he may use it in favour of his Ordinary's subjects *ubique terrarum*.⁵

While all the Faculties of the Formula are to be used only "within the limits of jurisdiction" of the Ordinary, many of them are concerned with the exercise of the power of Orders rather than the power of jurisdiction. Some are for the Ordinary himself, others he may give to priests and thus authorise them to use their Orders beyond what is permitted by common law. As the phrase *suis missionariis*, which occurred several times in the older Formulae does not now appear, we may presume that these special faculties may be given not only to priests who are attached to the Diocese, Vicariate, etc., but also to a visitor whose ministrations may be useful during his stay. They are privileges *praeter ius* and may be conferred on any worthy priest. The extraordinary use of the power of Orders, if we may call it such, is exercised dependent on the local Ordinary, and so it would seem cannot be availed of outside his territory.⁶ Privileges which are given to the clergy as much for their own advantage as for the benefit of the Mission would seem to be, to some extent, personal, and could be used outside the Diocese, Vicariate, etc., with deference to the Ordinary of the place where they may be. A priest who has the Faculty to say Mass on a portable altar may do so in another territory subject to the Sacred Congregation of Propaganda, with the presumed permission of the local Ordinary. He is a missionary in missionary conditions and may use his missionary faculties.⁷ He may not use such a faculty,

⁵As pointed out, the granting of a dispensation is an exercise of non-judicial power or "voluntary jurisdiction," which is not restricted by territorial limits, but may be used, irrespective of place, in favour of the subjects of the Ordinary who delegated (or legitimately sub-delegated) the power to dispense. Voluntary jurisdiction may also be used in one's own favour (can. 201, par. 2.)

⁶By the extraordinary use of the power of Orders may be understood the exercise of a function which normally cannot be performed validly except by one in higher Orders, as the blessing of Baptismal water by a deacon, the administration of the Sacrament of Confirmation, the consecration of chalices and altar stones by a priest.

⁷S.C. Prop. 15th December 1945. X Parenti in *Monitor Ecclesiasticus*, Fac. 3., an. 1950.

however, in places not subject to the Congregation of Propaganda. The privilege of anticipating Matins from mid-day could be used everywhere. Although the Office is the public prayer of the Church, its recital alone does not infringe on the rights of any ecclesiastical Superior. Likewise, the celebration of Mass at sea is necessarily a use of a Faculty outside the territorial jurisdiction of the Ordinary through whom it came from the Holy See: the high seas are under the jurisdiction of the Roman Pontiff, the Universal Bishop.

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Before giving some observations on a few of the Faculties in particular, it may be opportune to remark that the priests do not enjoy them automatically: they must be granted by the Ordinary. Normally, the Bishop includes the Faculties he wishes to give to his priests in the list on the *Pagella Facultatum*, under the heading: *Vigore facultatum Nobis a Sede Apostolica concessarum tibi etiam facultatem sequentem concedimus*.

The following remarks are offered as a partial commentary on a selection of the faculties contained in the latest Formula. Where there is a difference between the text of the Formula of 1950 and the present text, the two will be given side by side.

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THE SACRAMENT OF CONFIRMATION.

1960

N.4. Concedendi facultatem administrandi Confirmationis Sacramentum nonnullis sacerdotibus, absente tamen aut longinque residente vel impedito quocumque Episcopo, et servato ritu in Rituali Romano contento.

1950

N.3. Concedendi facultatem administrandi Confirmationis Sacramentum uni vel alteri ex suis sacerdotibus (i.e. omnino paucis et ita ut in eadem statione unus tantum sacerdos hanc facultatem habeat), in quacumque regione a sua residentia longe dissita, absente tamen quocumque Episcopo, servata Instructione "De Sacramento Confirmationis" in Appendice Ritualis Romani inserta.

There is question here of the Sacrament of Confirmation administered by a priest as the extraordinary minister. The ordinary minister of this sacrament is a consecrated Bishop; it may be given by a priest who has the Faculty either from law (Cardinals, Prefects Apostolic, Abbots *nullius*) or by virtue of Indult of the Apostolic See. The Missionary Ordinary executes an Indult of the Holy See in favour of the priests to whom he grants the Faculty for Confirmation.

It may be given to some priests. The word *nonnullis* is substituted for *uni vel alteri*, etc., of the earlier Formula. The meaning of the word is a *few* or *several*, certainly excluding the possibility of bestowing the Faculty indiscriminately. It is safe to say that the number of priests who may administer Confirmation regularly should be considerably less than those who have not this power; though the actual number is not determined and will depend on the needs of the Mission, in the prudent judgment of the Ordinary.

A condition for this Faculty is that a Bishop cannot be had, because at the time there is no Bishop in the territory, or he resides at a great distance, or is actually unable to confer the Sacrament, even though he be physically present. Previously, this Faculty was available only in parts of the Diocese, Vicariate, etc., which were at a distance from the place of residence of the Ordinary. It has been considerably extended and can be of advantage throughout the whole of the Ordinary's territory, including his own place of residence, whenever a Bishop is not available for any good reason.

The formula used is that of the Roman Ritual.

NOTE: This Faculty co-exists with the Faculty given to all Ordinaries in territories subject to the S. Congregation of Propaganda Fide on 18th December, 1947 (A.A.S., 40 (1948), p. 41), to delegate all priests subject to them and having the care of souls the Faculty to administer Confirmation validly to the faithful, whether adults or infants, who are within the bounds of their missionary territory and are in danger of death. Any priest of the Diocese, Vicariate, etc., may be empowered to administer Confirmation in danger of death: only a few may be given the Faculty to confirm the faithful in general.

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THE CELEBRATION OF MASS

1960

5. Permittendi ut *iusta de causa* Missa celebrari possit, super altari portatili, sine ministrante, sub dio et in navi, dummodo, debitis cautelis adhibitis, nullum adsit irreverentiae periculum, et locus decens sit, etiam si altare sit fractum vel sine Reliquiis Sanctorum; atque ut Missa inchoari queat post mediam noctem.

1950

4. Permittendi ut Missa celebrari possit, *in casu necessitatis*, super altari portatili; etiam sine ministro, et sub dio, et in navi, dummodo, debitis cautelis adhibitis, nullum adsit irreverentiae periculum, et locus decens sit; etiam si altare sit fractum vel sine Reliquiis Sanctorum; et praesentibus haereticis, schismaticis, infidelibus et excommunicatis, si aliter celebrari non possit; atque ut Missa inchoari queat una hora post mediam noctem.

Several privileges concerning the circumstances of place and time for the celebration of Mass are granted in this faculty. Their lawful use presupposes a just cause (*iusta de causa*), which is more lenient than a case of necessity (*in casu necessitatis*) as was required by the previous Formula. A just cause would be some advantage to be gained by the priest or the faithful by the use of the privilege, or some difficulty experienced in celebrating Mass otherwise. The difficulty need not be serious nor the advantage considerable. Two necessary conditions are laid down: the place where Mass is celebrated must be decent, i.e., not unbecoming the sanctity of the holy Sacrifice; and danger of irreverence must be absent. There could be danger of irreverence if proper precautions were not taken on board ship to prevent the spilling of the sacred chalice. Irreverence could also follow from the presence of unbelievers who would not observe the ordinary norms of good behaviour while a religious rite was in progress.

Let us examine in detail the various privileges which the Ordinary may grant, according to the needs of his Diocese, Vicariate, etc., by virtue of this Faculty.

1. *The privilege of a portable altar.* The person who enjoys this privilege may celebrate Mass on a duly consecrated altar stone,⁸ outside a church or oratory, in any place that is becoming, but not at sea (can. 822, par. 3). The privilege of a portable altar is given only by law or by Indult of the Holy See (can. 822, par. 2). There is question here of an Indult granted by the Holy See to the priest through the medium of the Ordinary. From common law (can. 822, par. 4), the local Ordinary, or the major Superior of an exempt religious Institute, may permit Mass to be celebrated on an altar stone outside a church or oratory, for a reasonable cause, in extraordinary circumstances, but only *per modum actus*. The place chosen must be fitting, and never a bedroom. This Faculty gives to the Missionary Ordinary the power to allow Mass on a portable altar habitually. The restriction as to the fittingness of the place for Mass is imposed, as indeed it would be presumed from the natural law. No explicit mention is made forbidding Mass in a bedroom, but in the light of the

⁸The following faculty (n.6) authorised the Ordinary to allow a cloth of linen or flax, duly blessed and having attached to it the relics of the Saints which have been authenticated by some local Ordinary, in place of the altar stone, in localities where there is no church or public Oratory. Some remarks on this faculty will be found in the Liturgy section of this issue.

prescription of par. 3 of can. 822, we may take it that the general mind of the Church is that sleeping quarters are not usually considered the proper place to celebrate Mass. This Faculty may be used outside the Diocese, Vicariate, etc., with at least the presumed permission of the local Ordinary, provided it is in Territory subject to the S. Congregation of Propaganda.

It is by reason of this Faculty that priests celebrate Mass in halls and private houses in country districts or where there is no church. As the Faculty has been given for the benefit of the people, there is no doubt that all who assist at such Masses fulfil their obligation on Sundays and Feasts of precept.

As a just cause will suffice for granting the Faculty, the Ordinary may give it to a priest who spends his annual vacation in a place distant from a church, and could not say Mass daily without some inconvenience. The opportunity for the members of his family or of his hosts to assist at Mass during his stay—a blessing they may enjoy only rarely—would be an added reason. An old and infirm priest or one convalescing after sickness could also benefit by this privilege.

2. *Mass without a server.* Can. 813 prescribes that a priest is not to celebrate Mass without an assistant, who serves and answers the Mass. A woman is forbidden to act as server, but for a just cause, in the absence of a male server, she may answer the Mass from a distance. By virtue of the Faculty under discussion, the Ordinary may permit Mass without any assistant. It is certainly the mind of the Church that Mass should not be offered without the presence of some member of the faithful, who represents the whole Christian family, on whose behalf the holy Sacrifice is offered. Nevertheless, circumstances can arise which make it hard to have a server. As this faculty comes from the S. Congregation of Propaganda Fide, and takes into account special conditions of missionary countries, the restrictions placed on the permission of the Holy See for Mass without a server by the Sacred Congregation of Sacraments (1st October, 1949) do not apply.⁹ The devotion of the priest and the spiritual benefits to be derived from daily Mass would be sufficient reason to use the privilege, if it has been granted by the Ordinary.

3. *Mass in the open air.* This may be considered as an application of the privilege of a portable altar. Special precautions may be called for to avoid danger of irreverence. To protect the

⁹See Letter of His Excellency, the Apostolic Delegate, A.C.R., 1950, p. 199.

consecrated species from the weather, the norms of the Instruction of the Sacred Congregation of Sacraments (29th March, 1929, A.A.S. 31, 631) may be taken as a guide. A covering over the altar and screens on three sides would be suitable safeguards. Other facilities, such as balconies, etc., may be availed of, provided there is no danger that the Blessed Sacrament be blown away by the winds, affected by the weather or otherwise exposed to irreverence. The faithful, who assist at Mass celebrated in the open, fulfil the obligation of hearing Mass on Sundays and Feasts (can. 1249).

4. *Mass on board ship.* The Faculty to celebrate Mass on a portable altar does not include its use when travelling at sea (can. 822, par. 3). A further concession of the Holy See is necessary, which the Missionary Ordinaries are empowered to grant to their own priests or those actually helping them, not only when they travel between the different parts of the Diocese, Vicariate, etc., but also when coming to the Mission, returning home, and even during the period of their vacation. It seems reasonable that they may also grant it to priests who are not their subjects, but make a sea voyage which is in some manner directed towards the good of the Mission.

Indults for Mass frequently contained restrictive clauses: (i) that the sea be calm, (ii) that another priest (or deacon) be present, and (iii) that there be no danger of spilling the contents of the chalice. All these were aimed at preventing irreverence to the Blessed Sacrament: they are not explicitly mentioned in the present Faculty, but would be of obligation, if otherwise there were risk of want of due respect. Moreover, the place chosen for Mass should be decent and becoming; and this would not exclude the private cabins, provided they were tidy. It may be more fitting to celebrate Mass in a private cabin than in some of the public rooms of the ship, where all the passengers have a right to gather for amusement.

5. *Mass on damaged altar stone.* The Sacrifice of the Mass must not be celebrated except on an altar that is consecrated according to the liturgical laws; that is the entire altar, if it is an immovable one; or if movable, the altar stone must be consecrated (can. 1199, par 1). An altar or altar stone loses its consecration if it be broken to considerable extent, or if the relics are removed. Accidents may happen and the priest be left with no consecrated stone on which to offer Mass. To enable a priest to continue celebrating until such time as a new stone can be

procured, the Ordinary may permit Mass on a stone which has lost its consecration.

6. *Mass after mid-night.* This is a slight extension of the previous Faculties. Formerly, the Ordinary could allow Mass after one o'clock in the morning; he may now permit Mass to start immediately after mid-night.

The normal times within which Mass may begin are from one hour before dawn to an hour after mid-day (can. 821). For a just cause, which may be of only a private nature—perhaps affecting the priest alone—Mass may commence at mid-night, with the permission of the Ordinary. For a 'public' reason, for the spiritual good of a notable part of the people, the Ordinary may allow Mass during the hours after noon. No hour is stated as the latest at which an afternoon (or evening) Mass may commence. It will be possible, when the new Formula comes into force, for the Ordinaries subject to the Sacred Congregation of Propaganda to allow Mass at any hour of the day or night. The only restriction is that Mass which begins after 1 p.m. must be for some 'public' reason. (It may be noted that the Vicar General may not give permission for afternoon or evening Masses, without a special mandate from the Bishop. The same would seem to hold for the Vicar Delegate with regard to the Vicar or Prefect Apostolic.)

The six Faculties contained in N. 5 of the new Formula are at the disposal of the Ordinary according to his judgment of their need for the spiritual good of the clergy and people committed to him. Some of them may be of advantage if given habitually to the priests of one diocese, while there would scarcely ever be need for them in another diocese. Such a need, if it arose, could be met by permission given for an occasion.

"BINATION" AND "TRINATION"

N. 13. *Concedendi sacerdotibus ut bis vel ter in die Missam celebrare possint, si, iuxta prudens Ordinarii iudicium, notabile partis fidelium bonum id postulet, servatis de caetero iure servandis.*

Although some Ordinaries had obtained Rescripts from the Sacred Congregation to permit trination on Sundays and Feasts of precept and bination on week-days, a Faculty permitting the celebration of Mass more often than once a day was not granted in the previous Formulae.

The general law of the Code is that Mass may be celebrated

by the same priest only once in the day, except on Christmas Day and on the Commemoration of All Souls. The Ordinary may grant the Faculty for a priest to binate on a Sunday or Feasts of Precept, if in his prudent judgment a notable part of the faithful could not otherwise fulfil their obligation of assisting at Mass (can. 806).

The present Faculty empowers the Ordinary to permit bination and even trination, not merely on Sundays and Holidays, but on any day. The reason for permission need be no more than the good of the people, who wish to assist at Mass. A notable part of the people is not necessarily a full church, which would certainly be abundant fulfilment of the conditions; about a score of the faithful would suffice.

The other prescriptions of law to be attended to are chiefly the observance of the Eucharistic fast and the taking of only one stipend a day.

The Eucharistic fast must be kept before each Mass, i.e., the priest must be fasting from solid food and alcohol for three hours from the time of beginning any Mass, and for one hour from other liquids except water. An obvious cause of concern could be the taking of the ablutions. If a space of three hours is to elapse before the next Mass the ablutions are to be taken in both wine and water; if less than three hours, they may be taken in water only, or may be omitted altogether. However, if a priest is to celebrate a later Mass, and through inadvertence takes the ablutions in wine, he may nevertheless celebrate the second (or third) Mass.

Only one obligation in justice may be satisfied on the same day by the application of Mass (can. 824, par. 2), except on Christmas Day, when three obligations may be fulfilled. Of course, a priest may apply his second (or third) Mass for any intention he wishes and thereby satisfy an obligation of fidelity or charity, etc. The only occasion when the application of the second and third Masses is imposed by law is on the Commemoration of All Souls. In some Dioceses, there may be an Apostolic Indult to the effect that a priest who binates (or even trيناتes) may accept a stipend for the second (or third) Mass, on condition that he does not retain it himself, but gives it to some religious or charitable purpose mentioned in the Indult, v.g., the Seminary Fund. (The *Missa pro populo* is an obligation in justice; and a parish priest may not accept a stipend for himself—nor at all, where an Apostolic Indult does not apply—on the days he

is bound to apply the Mass for his people.)

A day is a period of twenty-four hours, beginning at midnight. Bination or trination is not restricted to the morning or the afternoon. It would be possible for a priest to say three Masses in the morning, two (or one) in the morning and one (or two) in the afternoon, or even three in the afternoon. The only point to be noted is that the Faculty to binate or trinate does not necessarily carry with it the permission for an afternoon Mass; but once an evening Mass has been permitted by the Ordinary, the Faculty of binating (or trinating) may be availed of to celebrate the evening Mass.

Finally, a priest may celebrate one Mass each day; and if he is not bound to say it in public for the people, he may celebrate in private. If, however, he is to offer the holy Sacrifice more than once, each Mass must be for the convenience of the people. In other words, not only the second (and third) Mass must be for the benefit of the faithful, but also the first, which he would have been otherwise entitled to say as his only Mass.

It is not for the priest but the Ordinary to judge whether this Faculty should be used. The Ordinary may decide that the conditions are generally fulfilled and grant the permission habitually, leaving it to the discretion of the priest to avail of the Faculty to the best advantage of the people.

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MATRIMONIAL DISPENSATIONS

Faculty N. 29 is concerned with matrimonial dispensations; and grants the Ordinary power to dispense from all matrimonial impediments of ecclesiastical origin, except three: (i) the sacred Order of Priesthood, (ii) affinity in the direct line, when the marriage from which the affinity arises has been consummated, and (iii) age, where the bridegroom is not yet fourteen years complete or the bride not yet twelve.

Obviously, no dispensation can be given from impediments of the divine law. These are: Perpetual and antecedent impotency, *ligamen*, and consanguinity (in the first degree of the direct line—certainly; in the other degrees of the direct line—very probably, and in the first degree of the collateral line—probably: i.e., between parents and children—certainly, between ancestors and descendants—very probably, and between brother and sister—probably.) When there is even a probability that the contract may be invalid by the divine law, the Church will not permit the

marriage. In the case of probable impotency, however, the marriage will not be forbidden, as impotency implies a physical defect which is not presumed. If the impotency is afterwards established, the marriage is annulled.

The three ecclesiastical impediments mentioned are not usually dispensed by the Church.

(i) The impediment of Sacred Orders affects not only priests, but also deacons and subdeacons. Where a canonical cause of sufficient gravity were present, the Ordinary could dispense a deacon or subdeacon to contract a valid marriage. The cleric would not be thereby dispensed absolutely from the obligations of chastity, but only in so far as they affect the rights of his wife. He could render the *debitum*, but violations of conjugal chastity would be against the virtue of religion. The obligation of the divine office would also remain, unless it became impossible to fulfil it, because of family cares and distractions. The remedy would be to apply to the Holy See to have the deacon or subdeacon reduced to the lay state. A priest may not be dispensed from the matrimonial impediment, even to validate an attempted marriage.

(ii) Affinity rises from a valid marriage (can. 97). The impediment is irrespective of whether the marriage has been consummated or not. The Ordinary is empowered to dispense from this impediment in both degrees of the collateral line, i.e., between a man and the sister or first cousin of his former wife, and likewise between a woman and the brother or first cousin of her former husband. He may not, however, dispense a man, whose marriage had been consummated, to marry any of the female ancestors of his former wife (her mother, grandmother, etc.) nor any of her female descendants (daughter, granddaughter, etc.) *Mutatis mutandis*, the same applies to a woman and the ancestors or descendants for her former husband. If the marriage from which the affinity rises was not consummated, the impediment may be dispensed. Dispensations from affinity in the direct line would be very rarely, if ever, requested, except among new converts from paganism. It may be mentioned, in passing, that such a marriage would be considered invalid in Australian civil law.

(iii) The minimum canonical age for marriage is sixteen years complete for males and fourteen for females, an increase of two years in each case on the age required in pre-Code law. The natural law is indetermined. All that is required is that the parties have the use of reason and that they know that

marriage is a permanent society of man and woman for the procreation of children. The legal age for use of reason is seven years, and ignorance of the general purpose of marriage is not presumed after the age of puberty, which for boys is fourteen and for girls twelve years. Given a canonical cause, the Ordinary may dispense from the impediment of age, but not beyond what was prescribed by the pre-Code legislation. Although such a marriage would then be valid, pastors of souls are to endeavour to deter young people from entering marriage before the customary age, according to different countries (can. 1067, par. 2). In all probability, the age required in civil law for marriage will be eighteen years, with provision made for special cases. Although the matrimonial laws of the State as such do not bind baptised persons, there would be an obligation in charity, for the sake of securing all the civil effects of the marriage, to observe the prescriptions of civil law which merely go beyond the Church's legislation without being contrary to it.

Since the Ordinary who grants a matrimonial dispensation does so by virtue of jurisdiction delegated by the Supreme Legislator, the dispensation would be invalid unless a canonical cause exists.¹⁰ Attention is drawn to the conditions required by can. 1061, 1062 and 1063 before a dispensation may be granted from the impediments of mixed religion and disparity of worship.

The Faculty dealing with matrimonial dispensations is marked *subdelegabilis*.

SANATIO IN RADICE

N. 30 Sanandi in radice, iuxta regulas in Codice a can. 1138 ad can. 1141 statutas, matrimonia ob aliquod impedimentum, de quo supra (n. 28) vel ob defectum formae, nulliter contracta. Quoad vero attinet ad prolis legitimationem, Ordinarius prae oculis habeat canones 1051, 1138.

Facultas sanandi in radice non extenditur ad casus in quibus supervenerit amentia unius vel utriusque partis. In singulis hisce casibus igitur ad S. Sedem recurrendum erit (*subdelegabilis*).

N. 31. Sanandi pariter in radice matrimonia mixta attentata coram magistratu civili vel ministro acatholico, dummodo moraliter certum sit partem acatholicam universae prolis nasciturae catholicam educationem non esse impedituram (*subdelegabilis*).

¹⁰Reference to canonical causes for dispensations was made in the July issue of the A.C.R., pp. 216-218.

Both these Faculties are repeated from the previous Formula, with the exception of the important addition of the words 'vel ob defectum formae' in n. 30.

A *sanatio in radice* is one of the two ways by which invalid matrimonial consent may become juridically valid. The other way is by a renewal of the consent, when the reason for the invalidity has automatically ceased, or has been dispensed.

A marriage may be invalid for three reasons:

(i) True matrimonial consent was never given, for the reason that the parties intended to enter a union inconsistent with the nature and essential properties of marriage; or did not give free consent.

(ii) At the time of the marriage a diriment impediment prevented the exchange of matrimonial consent from being efficacious.

(iii) Although no diriment impediment existed, the proper form was not observed, as required by law.

A marriage could be possibly invalid for all three reasons at once, or for two of them, or only one. The case may easily arise of a marriage, invalid because of the diriment impediment of *disparitas cultus* and also because of defect of form—a marriage between a Catholic and a non-Catholic who was not baptised, entered into before a civil registrar or a non-Catholic minister of religion.

(i) A marriage, which is null because of lack of true matrimonial consent, cannot be validated. It simply has no existence, either in cause or in fact. The only way open to regularise the union is for the parties to give the consent hitherto lacking, and in proper form.

(ii) Even if matrimonial consent be given, it cannot produce its natural effect—which is a valid marriage—if the parties are incapable of marriage because of some diriment impediment. All they do is to attempt marriage.

The first step towards validating such an attempted marriage is the removal of the impediment. Some impediments cease without the intervention of authority, as 'Age,' by the mere lapse of time, 'Ligamen' by the dissolution of the previous marriage at the death of one of the parties, 'Raptus' by restoring the captive woman to freedom. Other impediments remain until they are removed by dispensation. Examples are 'Consanguinity' in the remote degrees, 'Affinity,' 'Crimen neutro patrans,' etc. Others are perpetual, either by the natural law, as absolute

'Impotency;' or because the Church does not dispense from them, as the sacred Order of Priesthood, 'Affinity' in the direct line *consummato matrimonio*. Where a dispensation cannot be obtained and the impediment is of its nature perpetual, the union cannot be regularised. The parties must discontinue cohabitation. But when the impediment no longer exists, because it has ceased or has been dispensed, the matrimonial consent, once given and never retracted, should *per se* produce a valid marriage, even a sacramental marriage, if both parties have been baptised. Ecclesiastical law, however, requires a new act of the will given to a marriage which is known to have been invalid (can. 1133, par. 2). The procedure for the renewal of consent for different cases is given in cann. 1134-1136.

(iii) A marriage which is invalid because of defect of form becomes valid only if it is contracted again with due observance of the proper form (can. 1137).

While the renewal of consent is legally necessary for the validation of what was an invalid marriage contract, it may at times be difficult to ask the parties to consent again to what they have no reason to doubt is already a true and valid marriage.

(a) If in the course of the pre-nuptial enquiries the priest were to overlook some diriment impediment, through human inadvertence; or if a visiting priest assisting at a marriage were to forget to secure the necessary delegation, the marriage would be invalid. It would be evidently a source of confusion for the priest to inform the couple they were not married, and possibly a cause of greater embarrassment for persons concerned to learn they should be married again. (b) Priests frequently enough meet the case of a marriage entered into before a civil registrar or a non-Catholic minister. One of the parties is a Catholic, and the non-Catholic, while having no objection to the Catholic upbringing of any future children, cannot or will not see the need to repeat the marriage ceremony before a priest and two witnesses. It is true that the Catholic sinned seriously and must bear the blame for the situation, but is reconciliation with the Church and access to the Sacraments to be forever denied to such a one, because of the ignorance or obstinacy of the other party? To make provision for cases such as these a *sanatio* may be granted.

A *sanatio* is the validation of a marriage, without renewal of consent. It always implies a dispensation from the ecclesiastical law which requires that invalid consent be renewed, when it has

been established that the consent was invalidly given in the first place. If the marriage were invalid because of some diriment impediment which is yet existing, the *sanatio* implies also a dispensation from the impediment. In cases where the impediment has ceased, or the marriage was invalid merely because of defect of form, a *sanatio* contains only one dispensation; i.e., from renewal of consent. The first effect of a *sanatio* is that the marriage, hitherto invalid, becomes valid at the moment it is granted (*ex nunc*). The second effect is to extend to the union, by a legal fiction, all the canonical effects of a valid marriage from the moment when natural matrimonial consent was first given (*ex tunc*).¹¹

A *sanatio* cannot be given if the matrimonial consent has been withdrawn or has ceased. As consent is an act of the human will, it ceases at death or by perpetual insanity. By recovery from temporary insanity it could revive. If one of the parties has become insane, recourse should be had to the Holy See. A partial *sanatio* declaring the children legitimate may be given.

The Church cannot dispense from the impediments of the divine law, and so a marriage which is invalid because of such an impediment cannot be validated by a *sanatio*, or any other way, as long as the impediment remains. If the impediment of the divine law ceases (v.g., *ligamen* by the death of the previous spouse), the Church could grant a *sanatio*, as the canonical effects which by retroaction are implied in a *sanatio* are at her disposal. A *sanatio* is not given in such cases.¹²

The granting of a *sanatio* usually implies two dispensations. As no dispensation from the general laws of the Church can be given validly, unless there be sufficient reason, by any Superior other than the Supreme Legislator, reasons must be verified for both dispensations. There will usually be reason for granting a dispensation from the impediment—the desirability of ending

¹¹Can. 1138. 1. The *sanatio in radice* of a marriage is of its validation, involving, besides the dispensation or cessation of the impediment, a dispensation from the law, requiring renewal of consent, and retroaction by fiction of law, as regards canonical effects, to the past.

2. The validation takes place at the moment when the favour is granted; but the retroaction is understood as going back to the beginning of the marriage, unless express provision is made to the contrary.

3. The dispensation from the law requiring renewal of consent can be granted even without the knowledge of one or both of the parties.

¹²"... a marriage which was contracted with an impediment of the natural or divine law, even though the impediment has since ceased to exist, is not rectified by a *sanatio in radice*, even from the time when the impediment ceased" (can. 1139, par. 2.).

what is an illicit union. The reason for dispensation from the law requiring renewal of consent would be the difficulty (not necessarily the impossibility) of obtaining consent, especially when it has to be given publicly, as in the case of a marriage which is invalid because of an occult impediment or for want of proper form. While a *sanatio in radice* should not be granted when there is no difficulty in obtaining the proper renewal of consent, it would be a mistake to restrict its application beyond reasonable limits. For many a Catholic who has unfortunately contracted an invalid marriage "outside the Church," a *sanatio* is the only remedy, as the non-Catholic will not agree to appear before a priest to be married again. When people are penitent for their mistakes and anxious to do all that is in their power to repair them, it is the wish of the Church that reconciliation be open to them.

In the two Faculties (nn. 30 and 31) under discussion, the Ordinaries are granted the power to grant a *sanatio* for a marriage which is invalid because of one of the ecclesiastical impediments from which they have the Faculty to dispense, and also for a marriage which is invalid because of lack of proper form. This later phrase (*vel ob defectum formae*) is new. It covers the case of a marriage which was invalid because the assisting priest was not competent to witness the marriage, or of two Catholics who attempt marriage before a minister of religion or a civil registrar.

Mixed marriages attempted before a non-Catholic minister or a civil registrar may also be rectified by a *sanatio*. The term 'mixed marriage' can reasonably be accepted as any marriage entered otherwise than in the presence of a priest (except in danger of death or when no qualified priest is foreseen as likely to be present for a month) between a Catholic and a non-Catholic. It would include also a marriage invalid for two reasons—the diriment impediment of *disparitas cultus*, and *defectus formae*—as well as marriage where the impediment was not diriment—*mixta religio*.

When granting a *sanatio* for a mixed marriage the Ordinaries must be morally certain that the non-Catholic partner will not hinder the Catholic education of any children yet to be born. The *cautiones* are not required; nor is the non-Catholic party asked positively to educate the children as Catholics. The responsibility is thrown on the Catholic, whose task is not rendered impossible if the non-Catholic at least does not place

any objection. The Catholic education of children perhaps already born is not expressly demanded, though the Catholic is to be warned of the obligation of the divine law to do all that is possible to achieve this result. The attitude of the non-Catholic towards the education of children born, before the *sanatio* was granted, is ignored. The Church demands that it be prudently foreseen that any future children will be Catholics by baptism and education.¹³

The children of a marriage which has been validated by a *sanatio* are legitimate. This follows from the fact that all the canonical effects of marriage extend back to the moment when matrimonial consent was first given. The children of a marriage which is validated by renewal of consent are legitimised, provided no diriment impediment existed between the parents, either at the time of conception or the time of birth or at any moment between conception or birth. If the parties were free to be married to each other at none of these times the children are not legitimised by the marriage of their parents. They can be legitimised by a dispensation from the impediment, given in virtue of ordinary power or general Indult (as are the Faculties granted to the Ordinaries of Australia), except in the case of adulterine or sacrilegious offspring¹⁴ (can. 1051).

A *sanatio in radice* can be granted only by the Holy See (can. 1141). The Ordinaries subject to the Sacred Congregation of Propaganda Fide are delegated by the Holy See to grant the *sanatio* for cases referred to in Faculties n. 30 and n. 31. As both these are marked *subdelegabilis*, the Ordinary may use them through the medium of any priest, but within the limits of his jurisdiction, i.e., in favour of his own subjects.

¹³A.C.R., July 1957, p. 229.

¹⁴An interesting case: Stephen and Stephanie are married in the Registry Office. Stephen is a Catholic, Stephanie a non-Catholic who was never baptised. Stephanie shows an interest in the Catholic Church and after instructions wishes to be baptised. To avoid having to request a dispensation, the pastor waits till he has baptised her and then rectifies the marriage by renewal of consent in the proper form, before himself and two witnesses. The children are not legitimised by the marriage of their parents, because of the diriment impediment, existing till the moment of their mother's baptism. If the Pastor had requested and obtained the dispensation from the impediment of *disparitas cultus*, the granting of the dispensation by the Ordinary, by virtue of his general Indult, would have legitimised the children. Apart from this legal benefit for the children, it would be preferable to regularise the matrimonial status of Stephen and Stephanie as soon as possible. We must not allow people to remain in a state of sin, if it is feasible to rescue them from it.

DELEGATION TO ASSIST AT MARRIAGES

N. 35. Concedendi, etiam in dioecesibus, sacerdotibus qui praedicationis cursibus, quibus vulgo nomen est "missio," ad evangelizandos fideles vel ad aliud exercitium pietatis implendum in longinquas regiones a paroeciali sede dissitas pergunt, iisdem missionibus perdurantibus, licentiam matrimonii celebrationi valide assistendi, firmis sacrorum canonum praescriptionibus, tum de iuribus parochi servandis tum de inscriptione in libris paroecialibus facienda (*subdelegabilis*).

Where at least one of the contracting parties to a marriage is a Catholic (by Catholic Baptism or conversion), the marriage is not valid, unless celebrated before the parish priest of the place or the local Ordinary, or a priest delegated by either, and at least two witnesses (can. 1094, cf. can. 1099). Exceptions are provided for, in danger of death and when it is prudently foreseen that no priest duly qualified to assist at the marriage will be available within a month (can. 1098, 1).

A priest who assists at marriage by virtue of delegation must be designated for a definite marriage: he receives delegation *per modum actus tantum*. The only priests who can be delegated habitually to assist at marriages are the *vicarii cooperatores* (curates) for the parish to which they are attached. In places where territorial divisions of the Vicariate or Prefecture or Mission have not yet been determined, all the priests attached to the Mission are to be considered as *vicarii cooperatores* of the Ordinary, and can be delegated habitually to assist at marriages throughout the whole Vicariate or Prefecture. (Instruction of S. Congregation of Propaganda Fide, 25th July, 1920, A.A.S. 12, p. 333.) Territorial divisions or parishes are presumed to exist in Dioceses.

The present Faculty is new. A priest who conducts a mission in the popular sense of the word as we understand it, or gives a retreat to the people, may be delegated for the period of the mission, etc., to assist at any marriages that may occur—but only in districts distant from the parochial centre. The actual distance is not determined, and must be reckoned morally rather than by a set number of miles. The inhabitants of a country district, who would not be bound to come to the parochial church for Mass on Sunday, would certainly be subjects in whose favour this Faculty could be used. The Faculty could possibly be useful for a priest giving a country Mission, during the course of which a 'Ne temere'

marriage was discovered and the parties were disposed to have the marriage validated. If one of the parties were a non-Catholic, he would also need the Faculty to dispense from the matrimonial impediment of mixed religion or *disparitas cultus*. The rights of the parish priest must be safeguarded, i.e., any stole fees received on the occasion of the marriage belong not to the assisting priest, but to the pastor. Care must be taken that the marriage is duly recorded in the parochial books. For conditions existing in Australia, the priest must be authorised according to the prescriptions of civil law to solemnise marriages—unless the union is already recognised by civil law, because originally entered upon before a registrar or minister of religion.

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CONFESSORS OF RELIGIOUS WOMEN

N. 37. Confirmandi Confessarium ordinarium etiam ad quartum et quintum triennium, servatis conditionibus in canone 526 praescriptis.

According to can. 520, each house of religious women is to be given an ordinary confessor who hears the sacramental confessions of the whole community. . . . The period of his appointment is for three years, but the Ordinary may confirm him in office for a second or even a third term, if there be a scarcity of priests who are suitable, or if the greater part of the religious, after secret vote, request his re-appointment. Three terms or nine years is thus the maximum uninterrupted period during which the one priest can be ordinary confessor to the same community (can. 526).

The present Faculty is new. Under the same conditions required by law for a second or third term as ordinary confessor, a priest may be appointed for a fourth and even a fifth period of three years. The chief purpose of the Faculty would seem to be to meet situations where it would be difficult to find a suitable priest available to undertake the duty of ordinary confessor.

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ABSOLUTION FROM CENSURES

N. 39. Absolvendi ab omnibus censuris, sive simpliciter sive speciali modo Romano Pontifici reservatis, iuxta can. 2250 par. 3 (*subdelegabilis*).

This Faculty has been repeated from the former *Formulae*. The canon referred to prescribes the Formula to be used when

absolving from these censures. In the sacramental forum, the absolution is contained in the usual formula of absolution: *Dominus noster Iesus Christus . . . et ego, auctoritate ipsius te absolvo ab omni vinculo excommunicationis (suspensionis) et interdicti, in quantum possum et tu indiges*. Outside the Sacrament of Penance, the absolution may be given in any manner (provided it is an expression of the will of the Superior to remit the penalty), but as a rule the Formula contained in the liturgical books should be used for absolution from excommunication. Most cases will be in the internal forum, dealt with during the administration of the Sacrament of Penance. Absolution from heresy is given in the external forum. The rite to be followed is printed in the *Ordo Divini Officii*.

The censures reserved *specialissimo modo* are not included.

To attempt to deal adequately with the list of censures reserved to the Roman Pontiff, *specialissimo modo*, *speciali modo*, or *simpliciter* would be beyond the scope of the present notes. Each priest can see by reference to his Faculty Sheet what powers the Ordinary has given him with regard to absolution from reserved censures. In many dioceses, the confessors do not habitually possess Faculties to absolve from these censures, but only in special circumstances expressly mentioned on the *Pagella*.

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COMMUTATION OF THE DIVINE OFFICE

1960

N.56. Concedendi sacerdotibus diaconis et subdiaconis ut ob legitimam gravemque causam, loco Divine Officii, Rosarium integrum aut alias preces recitare possint.

1950

N.45. Concedendi suis missionariis ut ob legitimam gravemque causam, de qua Ordinarii conscientia oneratur, loco Divini Officii, Rosarium aut alias preces recitare possint.

The Ordinary is authorised by this Faculty to commute the Divine Office to the whole Rosary, i.e., the fifteen decades, or other prayers. What the other prayers are is not determined, but left to the discretion of the Ordinary. As a norm, we may take it that something more or less equivalent in effort and length to the whole Rosary would be suitable. There seems to be no reason why part of the Office, say from Prime to Compline inclusive, could not be substituted for the whole Office, or for that matter why the celebration of two extra Masses could not be considered as equivalent to the recitation of the Breviary, on the days when the priest tricates for pastoral reasons. The priest

who enjoys this favour cannot of his own choice say any prayers he thinks suitable: he must recite what has been imposed by legitimate authority.

The Faculty may be used also in favour of deacons and subdeacons, when there is sufficient cause; and also for priests actually engaged in some work under the direction of the Ordinary, although they are not his subjects, either by reason of domicile, quasi-domicile or incardination. The words of the previous *Formula suis missionariis* is changed to *sacerdotibus, diaconis et subdiaconis*.

The cause for the commutation is a legitimate and grave reason. A legitimate reason would be the fatigues of the ministry, urgency of pastoral work, etc. A slight reason entailing some inconvenience in saying the Office would not suffice; but it need not be an extreme case, much less physical or moral impossibility, which would of itself excuse from the recitation of the Office. While the Ordinary was formerly bound as a grave matter of conscience to be satisfied as to the reasons, that qualification no longer appears. Perhaps it is omitted as unnecessary, and also to remove any hesitations that the Ordinary may have, if not altogether certain as to the gravity of the reasons alleged.

This Faculty must not be confused with a concession granted to Archbishop Polding in 1847 for the Missionaries of the Dioceses of Australia and confirmed by Pope Pius XI in 1924, whereby a priest who celebrates two Masses on Sundays and Feasts of precept may omit Matins and Lauds.¹⁵ A priest who says two Masses in the same church on Sundays or Holy days, or a priest who binates or even trيناتes on week days, although in different churches, does not enjoy the benefit of the privilege granted in 1847. If he considers he has sufficient reason for a commutation of the Office, on the days when he has to celebrate more than once, he may place his request for a commutation before the Ordinary. It is for the Ordinary to decide whether the reasons are sufficient in the circumstances and grant the commutation, if he judges it advisable to do so.

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¹⁵See A.C.R. 1959. April, p. 130 seq.

Canon Law

SOME ASPECTS OF LEGITIMACY: A COMPARATIVE STUDY OF THE CANON LAW AND THE FEDERAL MARRIAGE BILL

On 19th May, 1960, a Bill for a new Act relating to marriage was introduced into the Federal Parliament of Australia by the Attorney-General, Sir Garfield Barwick. At the time of writing, this Bill has not yet become law, and in fact there has been as yet comparatively little discussion concerning the Bill in the Parliament itself. The reason, as given by the Attorney-General himself, is that the Bill itself could not be prepared in time to allow its discussion before that particular sitting of the Federal Parliament came to an end. However, there has been some discussion of the Bill during the present session of the Parliament, and this discussion will be continued.

It is true that already the Attorney-General has indicated that certain suggested amendments to the Bill in its original form will be accepted and incorporated into the Bill. However, even at the time of writing it appears to be a reasonable assumption that the final form of the Bill will not differ to any great extent from the form in which it has been introduced into the Parliament, or at least that any alterations will not substantially affect the provisions of the Bill which will be discussed in this article.

It is not the purpose of this article to enter into a discussion concerning the competency of the State to legislate in regard to marriage, or into a criticism of this Marriage Bill as such or even of any particular provision of the proposed Bill. The purpose of this article has its origin in the prominence given to certain aspects of the Bill in the address of the Attorney-General with which he introduced the Bill into the Parliament; for this provides the occasion for a comparative study of the Canon Law and the civil law as contained in this Bill concerning these particular matters, although the emphasis will be on the Canon Law. The aspects of the Bill that are in question are concerned with the legitimacy of children. However, our discussion will be restricted to the scope embraced by certain proposed provisions of the Bill, and hence it will not be by any means a comprehensive study

of the entire canonical doctrine relating to legitimacy and legitimation.

For the purposes of this article the relevant provisions contemplated in the Marriage Bill may adequately be expressed as follows: (1) A child who was not born in valid wedlock is automatically legitimated by the subsequent marriage of the parents; and this effect follows even if at the time of the birth of the child the parents were prevented from contracting marriage with each other by some legal impediment; (2) a child who was not born in valid wedlock is considered as legitimate from the beginning of the marriage if at the time of conception or of marriage, whichever is later, at least one of the contracting parties believed on reasonable grounds that the marriage was valid.

With regard to the Canon Law, it will be well to recall at this stage certain notions as they are understood in the Canon Law, especially since they are of central importance in the following discussion, namely, the notions of legitimacy and putative marriage. Canon 1114 of the Code of Canon Law states that "children are legitimate when they were conceived in, or born of, a valid or putative marriage, unless, the parents having made solemn religious profession or received Sacred Orders, the use of the marriage previously contracted was forbidden them at the time of conception." Consequently, except in the extremely rare circumstances mentioned in the latter part of the canon, a child is legitimate in Canon Law provided the birth takes place after a valid or putative marriage has been celebrated, even though the conception itself may have taken place before the marriage. To this extent, therefore, the Canon Law is indulgent that it does not insist on conception within marriage as an essential element of legitimacy. Consequently, it is to be remarked that if a child is conceived before the marriage of the parents but born after their marriage, it is not legitimated by their subsequent marriage; rather it is simply legitimate. But the Canon Law is indulgent to an even greater degree when it acknowledges as legitimate the children of a putative marriage, for a putative marriage is in fact an invalid marriage. A putative marriage is defined in canon 1015 of the Code of Canon Law in the following terms: "An invalid marriage which has been contracted in good faith by at least one of the parties is called putative, until both parties become certain of its nullity."

The Canon Law relating to the legitimation of children through the subsequent marriage of their parents differs from the contemplated provision of the new Marriage Bill as it has been set out above. Thus canon 1116 of the Code of Canon Law states: "By the subsequent marriage of the parents, whether real or putative, whether newly contracted or convalidated, even not consummated, a child is made legitimate, provided the parents were able to contract marriage between themselves at the time of conception or of pregnancy, or of birth." As far as the canonical effects of such legitimation are concerned canon 1117 affirms: "Children legitimated by subsequent marriage are considered in all things as legitimate, unless the contrary is expressly stated." Now the relevant provision of the proposed civil law—to which reference has already been made—considers the subsequent marriage of the parents as automatically legitimating the child even if at the birth of the child marriage was not possible between the parents on account of the existence of an impediment that would have invalidated the marriage in civil law; e.g., defect of the legal age. The import of this provision of the civil law is simply that the legitimation of a child by the subsequent marriage of the parents will never be impeded on account of the existence of a legal impediment to their valid marriage at the time of the birth of the child. This differs from the corresponding provision of the Canon Law, for the Canon Law—as is clear from canon 1116 quoted above—does not consider the subsequent marriage of the parents as automatically legitimating the child if from the moment of conception to the moment of birth there existed an impediment to the marriage of the parents that would have invalidated the marriage in Canon Law.

Thus, in order that a child born out of valid wedlock may be considered as legitimated by the subsequent marriage of the parents the Canon Law requires that marriage between the parents should have been possible at some time from the conception of the child to its birth. Consequently, as can also be seen from the wording of canon 1116, the Canon Law not only differs from the proposed civil law on the point that it (Canon Law) attributes to an invalidating impediment the force of preventing legitimation by subsequent marriage in certain circumstances, but also in that it introduces the factors of the time of conception and pregnancy as well as of birth. It is important to note this as a point of contrast because it could in fact mean that legitimation by subsequent marriage *could* follow

in Canon Law even if at the time of the birth of the child marriage was forbidden to the parents on account of the existence of an invalidating impediment, namely, if they had been free to contract marriage between themselves at the time of conception or at any time during pregnancy and the impediment had supervened prior to the actual birth. However, it is to be noted that the difference remains that the Canon Law does not disregard the existence of an invalidating impediment in determining the legitimation of a child by the subsequent marriage of the parents, while the proposed civil law in effect does disregard it by making the legitimation of the child depend simply on the subsequent marriage of the parents without taking any account of legal impediments existing at the time of the birth of the child.

The second provision of the new Marriage Bill to which attention was directed at the outset is that it safeguards the legitimacy of children born of an invalid marriage if at least one of the parties believes on reasonable grounds that the marriage is valid at the time of conception or marriage, whichever is later. This provision finds a counterpart in the canonical concept of putative marriage and its canonical effects. A putative marriage, as has already been pointed out, is an invalid marriage in which at least one of the parties is in good faith and believes it to be valid. This could easily be verified, for example, in a new marriage contracted in good faith by virtue of the presumption of death of one of the parties to the original marriage when in fact that party is still alive. The putative marriage is such only in relation to the good faith of the parties themselves; and consequently, if they know with certainty that the marriage is invalid, it is not a putative marriage, even if everyone else is completely ignorant of its invalidity.

In fact a child born of a putative marriage is born of an invalid marriage, and in the absence of any ruling to the contrary would be simply illegitimate. However, by positive provision of the Canon Law children born of a putative marriage are regarded as legitimate. This is clearly affirmed in canon 1114, which has already been quoted. Thus, if the parents in a putative marriage subsequently become certain of its invalidity and have the marriage convalidated before the Church, the children who have already been born before the certain knowledge of the invalidity of the marriage was obtained by both parents are not to be regarded as having been legitimated by the subsequent marriage of the parents (even if they were free to contract

marriage between themselves at the time of conception, or pregnancy, or birth); rather such children are to be regarded as legitimate from the beginning without the need of subsequent legitimation. It may be added that when both parents come to know with certainty (i.e., that excludes all positive doubt) that the marriage is invalid, it ceases to be a putative marriage and is simply an invalid marriage. This is clear even from the brief definition of putative marriage contained in canon 1015. Consequently, any children conceived and born after that time and before the marriage has been convalidated will be simply illegitimate. However, they could be legitimated by the subsequent marriage of the parents provided these were not impeded from marrying each other from the time of conception to the time of birth by an invalidating impediment.

The relevant provision of the proposed civil law approximates to the canonical ruling in that it concedes legitimacy to a child of an invalid marriage provided at least one of the parties to the marriage has reasonable grounds for believing the marriage to be valid, and also in that it requires that the good faith of the party (or parties) should still exist at the time of the conception of the child after the invalid marriage has taken place; so that if at the time of the marriage either party believed on reasonable grounds that the marriage was valid (whereas it was not), but subsequently this good faith ceased to exist in that no longer did either of the parties have reasonable grounds for believing the invalid marriage to be valid, a child then conceived of the marriage would not be deemed to be legitimate. This parallels the provision of the Canon Law that when both parties are certain of the invalidity of the marriage it ceases to be putative, and a child conceived subsequently is not deemed to be legitimate. If the requirement of the civil law that reasonable grounds for belief in the validity of the marriage must continue to exist is intended to mean that moral certainty, that is, certainty that excludes all positive doubt, of its invalidity is required before this good faith which is the basis of this concession of legitimacy can be said to have ceased, then the civil law is insisting on the same degree of certainty as the Canon Law.

It is certain, of course, that the civil law in this matter is intended to embrace the marriages of all Catholics since all are considered simply as citizens and subjects of the civil authority. But the questions may well be asked: Does the canonical doctrine of putative marriage embrace the invalid marriages of

all Catholics without exception? Can the invalid marriages of non-Catholics be regarded as putative from the canonical point of view? What are the relationships between the Canon Law and the proposed civil law in regard to the cases contemplated in the two preceding questions?

One special aspect of this matter of putative marriage occupied the attention of the canonists and occasioned a difference of opinion among them. The question was discussed as to whether it was necessary, in order that a marriage should be deemed to be putative, that it should have been celebrated in the Church (*coram Ecclesia*); and whether it was possible for the marriage of a Catholic bound to the canonical form of marriage to be putative when this was celebrated outside the Church. After all, the definition of putative marriage as contained in canon 1015 did appear to leave this point open to discussion, since it stated simply that a putative marriage was an invalid marriage celebrated in good faith by at least one of the parties.

In the first place, one group of canonists maintained that even the marriage outside the Church of a Catholic bound to the canonical form of marriage could be putative. They argued that the phrasing of the canonical definition of canon 1015, §3 was of a general nature and could well be interpreted to include the marriage of a Catholic before a non-Catholic minister or civil registrar. Moreover, they affirmed that even in such a case it would be sufficiently easy for the element of good faith to be verified in at least one of the parties, since there would not be any great difficulty in understanding that the non-Catholic party at least could regard the marriage as a legitimate union, even if the Catholic party was in bad faith. And good faith in only one of the parties is sufficient to fulfil the requirement of good faith for a putative marriage. In addition, these canonists asserted that if any argument was to be derived from the pre-Code law—as the holders of the other opinion claimed—it really was that the law had been changed, since the terms of the definition had been made general and the pre-Code requirement of marriage in the Church omitted.

On the other hand, other canonists maintained that the marriage outside the Church of a Catholic bound to the form of marriage could not be putative. They argued from the pre-Code law which required for a putative marriage that it should have been celebrated *coram facie Ecclesiae*; and they made use of canon 6 of the Code of Canon Law which, concerned with the

relationships between the Code and the pre-Code law, provided sufficient justification in their view for their contention. Moreover, they also emphasized the fact that such a marriage outside the Church when one of the parties was bound to the canonical form did not even have the species of a marriage; and this particular view appeared to receive indirect confirmation from certain replies of the Code Commission concerning other aspects of matrimonial law; e.g., replies concerning canons 1078 and 1990.

In the year 1949 that part of the new Oriental Code of Canon Law concerned with marriage was promulgated; and in the corresponding legislation in this Code the definition of putative marriage was noteworthy for the inclusion of the phrase *coram Ecclesia* after the words *celebratum fuerit*. The concept of putative marriage, therefore, as defined in the new Oriental Code was in accord with the opinion that a putative marriage had to be celebrated according to the canonical form, and that a marriage outside the Church of a Catholic bound to the canonical form did not have even the species of a marriage. Subsequently, and not unexpectedly in view of this provision of the Oriental Code, a special reply concerning this very question was issued by the Pontifical Commission for the Latin Code. This reply, in fact, was issued in the same year in which this particular part of the Oriental Code came into effect. The reply declared that "only a marriage celebrated before the Church is to be understood in the word *celebratum* of canon 1015, §4."

As far as those are concerned who are not bound to the canonical form of marriage it would appear that a putative marriage could be verified, provided a form required by natural law or even civil law, where it is competent, is observed. For in the case of such contractants the marriage, even if invalid on account of some diriment impediment, would have the species of a marriage; and this, after all, does seem to be a fundamental requirement and in accord with the canonical doctrine relating to putative marriage and those subject to the canonical form. This doctrine was also maintained by some canonists before the Code, and there does not seem to be anything in the Code itself or in the above-quoted reply of the Pontifical Code Commission that would now rule out such an opinion.

Consequently, as far as the provisions of the new Marriage Bill are concerned, it would seem that the concession of legitimacy to the children of an invalid marriage where at least one of the parties is in good faith is in accord with the Canon Law as far

as the marriages of non-Catholics are concerned and as far as the marriages of Catholics are concerned when these are celebrated *coram facie Ecclesiae*. But the Canon Law differs from the civil law on this point when the marriage of a Catholic bound to the canonical form (as all are since 1st January, 1949) takes place outside the Church; for while the civil law, which regards all simply as its subjects in this matter, embraces all marriages even in such circumstances, the Canon Law does not attribute to such a marriage of a Catholic even the species of a marriage, and thus does not grant to it the status of a putative marriage nor concede legitimacy to the children of such a marriage.

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SHORT NOTICE

THE SECRET OF THE CURÉ D'ARS, by Henri Ghéon. London and New York, Sheed and Ward, 1959; viii + 248 pp.; 6/-.

This translation was first published in 1929; it is now being republished in The New Ark Library Series which will contain several of those books which helped make the name of Sheed and Ward.

By profession Henri Ghéon was a doctor and perhaps he was attracted by the astonishing things the Curé was able to demand and receive from his miserable body. "The whole thing is mysterious," writes the author. But Ghéon was also interested in writing and in the theatre; in fact it has been said that from his early childhood his primary interest was in poetry and drama. This may disturb us for there is no place, we might say, for poets and dramatists in the biography of a saint. But if they are honest their very powers of appreciation can be helpful; and Ghéon claims that he has invented nothing. With such a subject there was probably no need for invention; for here we have factual extraordinariness and great drama.

The author admits the possibilities of such a subject; then having made this admission he tells us himself what is the purpose of this book: "But we aim lower, since we wish no more than to bring into one honest picture the various traits which witnesses and the three biographers—Monnin, Joseph Vianney and Trochu—put before us in their memoirs and in their books."

G. K. Chesterton, however, in an article at the end of the book, says that he was tempted to fancy that the author exaggerates the contrast between the saint and the ordinary life. This may be so; but we must remember that in the life of the Curé the influence of grace was very strong. As regards the Curé's ordinary life the author does seem to grasp and to present to us the human side of this remarkable man. When we consider that he was a saint it is almost a consolation to read about the difficulties that were his and an inspiration to see how he met and overcame them. What was the secret of the Curé d'Ars? It was his magnificent love of God. This was a secret which could not be hidden. By humbly tracing for us the life of Jean-Marie Vianney this book has laid bare the secret and thus the message of that compelling personality.

G.M.

Liturgy

MISSIONARY FACULTIES

The following pages are devoted to some notes on those Missionary Faculties which touch on liturgical and kindred points. The Faculties will come into operation on 1st January, 1961.

For a discussion of the canonical questions about the granting and the use of the faculties, we refer readers to the *Moral Theology* section of this number of the A.C.R. But it may be well to observe that the faculties are granted to Ordinaries, from whom priests must obtain them.

BLESSING OF BAPTISMAL WATER

The Ordinary may give priests and deacons the faculty to bless baptismal water, using the short form contained in the Roman Ritual. (1)¹

The persons to whom this faculty may be granted are not restricted to the Ordinary's 'own missionaries,' as hitherto. Another slight change is the reference for the blessing, which was previously described as contained in the Appendix of the Roman Ritual. The reason for this change is that with the rearrangement of the contents of the Roman Ritual in the Typical Edition of 1952, the Short Form for the Blessing of the Baptismal Font or Water, approved by Pope Paul III for the missionaries of Peru, was transferred from the Appendix to the section on Baptism, Tit. ii, chap. 9. The formula has not been changed.

Baptismal water must be used in the administration of solemn Baptism (Can. 757, § 1). The supply of baptismal water may be maintained by adding ordinary water in lesser quantity, but when the supply is exhausted or becomes corrupt, then a fresh supply must be blessed with the appropriate blessing (ibid. §§ 2 and 3). The ordinary form for this blessing is longer than the one referred to in the faculty. Since the introduction of the Restored Order of Holy Week the baptismal font is solemnly blessed only once a year, namely at the Easter Vigil.

When administering solemn baptism in a church which has no baptismal font, or in some other approved place, the priest must use baptismal water. He may bring this water with him, or he could make use of the present faculty, if the Ordinary has

¹The numbers in parentheses refer to the number of the faculty in the new Formula.

granted it to him. Were the priest to forget to bring the baptismal water with him, he would ordinarily be bound to use this faculty to bless the water, because the brevity of the form of blessing does not impose any great inconvenience.

BLESSING OF HOLY OILS

The Ordinary may, if he is a consecrated bishop, consecrate the Holy Oils with the number of ministers who happen to be available, and, in case of necessity, even on a day other than Maundy Thursday. (2) This faculty is unchanged.

The Ordinary may give priests the faculty to bless the Oil of the Sick, but only in a case of real necessity, that is, when it is impossible to secure Oil of the Sick blessed by a bishop. (3) This is a new faculty.

Faculties 4 (Confirmation) and 5 (Celebration of Mass without server, at sea, etc.) have been treated above, pages 290 ff.

ANTIMENSIMUM

The Ordinary may allow priests to substitute for a portable altar or altar stone a piece of cloth made from linen or hemp, and duly blessed, and containing relics of the saints authenticated by some local Ordinary. The same priests may celebrate the holy Sacrifice of the Mass on this cloth, but only in those cases in which there is no church or public oratory available. The other prescriptions of the rubrics must be observed, especially in regard to the altar-cloths and corporal. (6) This faculty was not included in the previous formula.

The faculty speaks of 'aliquod linteum ex lino vel cannabe confectum' and this is the title of the blessing which is found in the Roman Ritual, Tit. ix, chap. 9, n. 21, but the Index of the Ritual also refers to it as an 'Antimensium.' The new Rubrics call it an *antimensium* (italics) in number 525.

The Code (can. 823, § 2) allows a priest to celebrate Mass on the consecrated altar of another rite, but expressly excludes the use of a Greek *Antimensium*. This prohibition was simply a repetition of previous decisions of the Holy Office (1726) and Pope Benedict XIV (1742). The Congregation for the Oriental Church sometimes gave priests of the Latin rite permission to use an antimensium, and during the second World War chaplains to the Forces were allowed to say Mass on a piece of linen cloth, which did not, apparently, require any special blessing.

On 12th March, 1947, the Sacred Congregation of Rites, in response to a request of the Congregation of Propaganda, granted

permission to priests under the jurisdiction of Propaganda to use an "Antimensium" in place of an altar stone, in particular circumstances. The Latin "Antimensium" is similar to the Green Antimensium in material form, but whereas the Greek Antimensium is really consecrated with solemnity, the Latin "Antimensium" receives merely a simple blessing. However, having noted the difference, we can use the term without further distinction.

In granting the faculty in 1947 to missionaries who applied for it, the Congregation laid down a number of conditions. The decree visualized the difficulty of carrying an altar stone because of lack of proper roads or transport, and it could be used only where there was no church or public or private oratory. The verification of these conditions was on the conscience of the missionaries (*onerata eorum conscientia*).

The terms of the present faculty are much less restrictive. The only condition required for the use of the antimensium is the absence of a church or public oratory. There is always a measure of inconvenience involved in carrying an altar stone around, there is, too, the possibility of it being broken, and not infrequently the dimensions of the stone are necessarily small.

The form and blessing of the antimensium call for some comment. The antimensium is to be made of linen or hemp, and the size of a corporal (although no specific dimensions are given). The relics of the Saints, properly authenticated, are enclosed in a small bag, which is then sewn on to the right hand corner of the cloth (top corner more convenient). The cloth is blessed according to the formula found in the *Ritual*, and which consists of one prayer taken from the rite of consecration of an altar. The antimensium must be blessed by a bishop, but the present Faculty Formula gives the Ordinary power to delegate a priest to bless the antimensium in case of necessity (cfr. n. 42).

It should be carefully noted that the faculty explicitly requires the use of the three altar cloths and corporal with the antimensium just as with an ordinary altar stone.

CANDLES, WINE, INCENSE AT MASS

The Ordinary may allow Mass to be celebrated with one light of any kind and, in case of real necessity, he may allow Mass to be celebrated without any lights.(7) This faculty is substantially the same as at present. The general law of the Church requires the use of two candles at Mass, the proportion

of beeswax being determined by the hierarchy of the different countries (cfr. A.C.R., 1958, p. 93). Some excuse is needed to depart from this general law, and the permission to celebrate Mass with some kind of light, e.g. an electric light, is more easily granted than for Mass without any light. Real necessity (*in casu verae necessitatis*) is demanded for a Mass without any kind of light, such as the need to celebrate Mass in order to administer Viaticum, or to provide a Mass for people on a Sunday, or even on a week-day in places where they rarely have an opportunity of assisting at Mass.

The faculty allowing the celebrant to use water at both ablutions has been slightly mitigated. Whereas previously an *extreme* scarcity of wine was demanded, now any scarcity suffices, e.g., expense. The Ordinary may allow water only to be used for both ablutions of the chalice, provided that there is a scarcity of wine.(8)

The Ordinary may allow the use of incense in Masses sung by the celebrant alone, and even in low Masses accompanied by singing.(9) The first part of this faculty has been modified, and the second part is new. The use of incense at a *Missa cantata* was previously allowed only when two clerics, vested in surplice, served the Mass, but this condition has now been omitted. Since the use of incense is to add solemnity to the rite of the Mass, the presence of at least one server seems called for. It may be noted here that the new Rubrics of the Missal allow incense to be used in all sung Masses (n. 426). The faculty to use incense at a low Mass accompanied by singing, either in Latin or English or both, offers a means of adding some solemnity to the Mass for some special occasion, when a sung Mass is not possible. This faculty must not be regarded as indicating that a low Mass with singing and incensations is to be considered as equal in solemnity to a *Missa cantata*. We are dealing with a concession which takes account of the difficulties experienced in missionary territories, and difficulties that may derive not merely from the short history of Catholicism in a certain area, but also from a culture and mentality which is wholly different from that of the Latin liturgy.

ASSISTANT DEACON IN SOLEMN LITURGICAL RITES

The Ordinary may allow a solemn Mass and other solemn liturgical functions to be celebrated with only a deacon assisting, if there are no other sacred ministers available.(10) This is a

new faculty that extends to the whole year the rite of a sung Mass with assistant deacon, as approved for Holy Week by the Congregation of Rites in 1957 (*Ordin. et Declar.*, n. 3, 1st Feb., 1957; cfr. *A.C.R.*, 1957, p. 99; 1958, pp. 56-57). As well as the Mass, the faculty includes other liturgical functions, e.g., Procession or Benediction of the Blessed Sacrament, or a Rogation procession. The assistant deacon vests as a deacon and performs all the duties of a deacon at a High Mass, and in addition he may sing the epistle, if there is no lector to sing it.

The purpose of the faculty is to provide a means of adding some solemnity to the Mass in places which have no supply of sacred ministers, and consequently no chance of having a High Mass with deacon and subdeacon. The faculty should not, therefore, be considered as a means of dispensing with a subdeacon even when another priest or deacon or subdeacon is available. It is well to keep in mind the words of Pope Pius XII: 'the dialogue Mass cannot be substituted for the solemn High Mass; this, even though celebrated with only the sacred ministers present, has a dignity all its own by reason of the solemnity of its rites and the splendour of its ceremonies; although such splendour and solemnity are greatly enhanced if, as the Church earnestly desires, a large and devout congregation assists at it.' (*Mediator Dei*, n. 113, ECTS. Trans.)

MATERIAL AND COLOUR OF VESTMENTS

The Ordinary may allow the use of vestments, sacred linens and altar-cloths made from cotton or from any other becoming material, except in the case of corporals, palls and purificators. (11) This is a new faculty. 'The rubrics do not fix precisely the material for sacred vestments, but tradition, and the exclusion of certain fabrics by decisions of S.R.C., have determined that it is to be silk. Fabrics that are at least in greater part, and externally, of silk are admissible, e.g., satin, silk poplin, silk velvet' (O'Connell, *The Celebration of Mass*, Milwaukee, 1956, pp. 227-228). This applies to maniple, stole, chasuble, tunicle, dalmatic and cope. The rubrics make explicit mention of silk for chalice veil (*Rit. servandus*, I, 1), ciborium veil (*Rit. Roman.*, V, i, 6), humeral veil (*Caer. Epis.*, I x 5). While it is desirable to retain the traditional materials for these vestments, this faculty does allow the Ordinary to sanction the use of another becoming material, the use of which might be dictated by climatic or economic conditions. The same reasoning applies to the choice

of cotton or another suitable material in place of linen or hemp for the amice, alb or altar-cloths. However, linen or hemp must be retained for corporals, palls and purificators.

The Ordinary may allow priests, when celebrating the holy Sacrifice of the Mass, to use, for a just reason, vestments of any liturgical colour. (12) Quite a number of changes have been introduced into this faculty, which previously was available only to the Ordinaries' own missionaries when they were travelling. Priests may be allowed to use the faculty even when they are more or less permanently in the same place, but for one reason or another cannot have a full supply of liturgical colours. *A fortiori* the faculty could be used to avoid carrying several sets of vestments when travelling. Another instance that sometimes occurs in missionary territories is that the colour symbolism of some native peoples differs from that of the Roman liturgy, with the result that for them white may be symbolic of mourning. This problem might have been solved by virtue of the present faculty, but it is of interest to observe that the new Rubrics of the Breviary and Missal now make provision for such a situation. 'Wherever in missionary territories, because of an established and genuine native custom, the symbolism of any of the liturgical colours of the Roman Church conflicts with the symbolism natural to that people, the Episcopal Conference of the region or territory may be given authority, if deemed advisable, to substitute for the incongruous colour another that is suitable. However, this is not to be done without reference to the Sacred Congregation of Rites'. (*Rub. general. n. 117*)

MASSES ON CHRISTMAS DAY

In churches and public oratories which do not enjoy the privilege of common law (can. 821, §§ 2-3), and in places where it is customary to celebrate Mass for the faithful, the Ordinary may allow three Masses to be celebrated immediately after midnight on Christmas day, care being taken that everything is done with due reverence. (14) The Code legislates in this matter for conventual and parochial Masses, and for Masses in religious houses. In addition to the churches and public oratories which may not come under the legislation of the Code, the present faculty has been extended to include even places which are regularly used for the celebration of Mass for the benefit of the faithful, e.g., a church-school, or a hall. In such places the Ordinary may allow three Masses immediately after midnight

at Christmas, celebrated either by the same priest, or by different priests. The privilege is attached to the place, not to the person of the celebrant.

LITURGICAL RITES OF HOLY WEEK

The Ordinary may allow the celebration of the functions of Holy Week even twice and according to the simple rite, at a time in the afternoon or evening as he shall determine in his prudent judgement. He may also allow them in places where it is customary to celebrate Mass for the faithful. In as much as the above rites cannot be observed, he may allow in these same places the celebration of a low Mass on Maundy Thursday, at the most convenient time. (15)

The faculty concerns the place, time and repetition of the liturgical rites of Holy Week. *Place*: The Congregation of Rites sanctioned the celebration of Holy Week rites in all churches, public and semi-public oratories, according to the solemn rite when the ministers were available, otherwise according to the simple rite (*Ordin. et Declar.*, 1 Feb., 1957, nn. 1 and 2; cfr. *A.C.R.*, 1957, p. 99). This faculty empowers the Ordinary to allow the celebration of these rites in any other place where Mass is customarily celebrated for the benefit of the faithful.

Time: The general law requires the Mass of the Lord's Supper on Maundy Thursday to be celebrated between 4 p.m. and 9 p.m. The additional low Mass that the Ordinary may allow on the same day must be celebrated within that period. The Liturgy of the Passion and Death of our Lord on Good Friday is to be celebrated about 3 p.m., but for some pastoral reason it may be celebrated at any time between mid-day and 9 p.m. The Easter Vigil should commence at a time that will allow the Mass to begin about midnight. In particular cases, and for grave reasons of a pastoral character, the Ordinary may permit the anticipation of the Vigil, but not before nightfall, or at least sunset (*Ordin. et Declar.*, nn. 8, 9, 15, 19; cfr. *A.C.R.*, pp. 100-101). It is easy to understand how the variety of conditions encountered in many missionary areas would make the universal observance of the above times practically impossible. Hence the broad concession allowing the rites '*hora postmeridiana*.' Moreover, when even the simple rite is out of the question on Maundy Thursday, the faculty allows merely a low Mass '*Opportuniori hora*,' which

would seem to include even the morning period, if the circumstances call for such a determination.

Repetition of rites: The general law gives Ordinaries the power to allow priests in charge of two or more parishes to binate on the last three days of Holy Week, but on Good Friday and Holy Saturday it is explicitly stated that the bination cannot be used in the same parish (*Ordin. et Declar.*, nn. 13, 16, 21). Since in missionary areas different churches or Mass-centres would oftentimes be further apart than the churches of different parishes in established countries, the present faculty allows the repetition of the rites or bination in different parts of the same parish, or even in the same place, if this is called for.

REQUIEM MASSES

The Ordinary may allow a low Mass of the Dead to be celebrated in churches three times a week, outside of Lent, even on greater and lesser doubles, with the exception of Sundays, of the octaves of Christmas, Easter and Pentecost, and also of privileged ferias and vigils. However, the days on which the rubrics allow such Masses must be included. (16) There have been some secondary changes in this faculty. The term 'low' (*lecta*) has replaced 'private,' in accord with the Instruction of the Congregation of Rites, September, 1958, suppressing the latter term (n. 2). The three octaves have been enumerated to bring the faculty into line with the Simplified Form of the Rubrics (March, 1955). It is to be noted that this faculty is *not* a personal faculty, it is given to the church. Moreover, it may be used only in churches (*ecclesiis*), i.e., churches and public oratories, not semi-public oratories or other places approved permanently or temporarily for the celebration of Mass (S.C. Prop. Fide, 30th January, 1930; cfr. de Reeper, *A Missionary Companion*, 1953, p. 42). The Requiem Masses referred to by the faculty are *Missae quotidianae*, not the *privileged* Requiem Masses.

In his commentary on this faculty, Buijs says: 'It is to be hoped that Ordinaries will grant this faculty only sparingly and that priests will use it even more sparingly, lest the faithful who assist at Mass daily should hear a Requiem three or more times a week. Furthermore, it will be useful to teach the faithful that the Sacrifice of the Mass may be offered not only for the dead but also for the living' (*Periodica*, 1960, p. 375). In view of the places where the faculty may be used, namely in churches, and taking

account of the insistence of the Holy See that the active participation of the faithful in the Mass must be encouraged, it is hard to know what exactly is the purpose or value of this particular faculty. How do missionary countries differ in any way from other countries on this score?

More important, however, is the question as to how this faculty is to be interpreted in the light of the new Rubrics. The Masses included in the faculty will be classified as Requiem Masses of IV class, and the rule for them is:

'423. Requiem Masses of IV class are other "daily" (*quotidianae*) Masses of the Dead, and they may be celebrated in place of the Mass corresponding to the Office of the Day only on ferias of IV class, outside of the Season of Christmas.' (i.e. Christmas to 13th Jan. inclusive). In the *Motu proprio* of Pope John XXIII introducing the new Rubrics, we read: 'Statutes, privileges, indults and customs of any kind, centennial also and immemorial, even deserving special and individual mention, and which are contrary to these rubrics, are revoked' (n. 3; A.A.S., 1960, p. 594). From this it would seem that the present faculty will not be available under the new Rubrics. However, the Sacred Congregation of Propaganda may resolve the doubt authoritatively at a later date.

SUNDAY MASS ON WEEK-DAYS, VOTIVE MASSES FOR SICK PRIESTS

The Ordinary may allow the Mass of the Sunday to be celebrated on any day during the week and this throughout the whole year, except on double feasts of the first class.(17) This is a new faculty which will be found of great practical value by priests travelling from place to place. An appropriately prepared Missal will suffice for the priest, and when the celebrant uses this faculty, the faithful in turn will be able to use their Sunday missals. Buijs suggests that when used on week-days, the Sunday Mass should have a Creed, and only two prayers, since it takes the place of a Sunday Mass (cfr. *Periodica*, 1960, p. 376). However, if the faculty is regarded as a formula of practical convenience, it would seem that the rule for the Creed and the number of prayers would not have the same force.

The Ordinary may allow those, who because of defective sight or some other infirmity, cannot read, or can read only with very great effort, the Mass assigned for each day according to the rubrics of the Roman Missal, to say on Sundays and feasts the

votive Mass of the Blessed Virgin Mary, and on ferial days also the Mass of the Dead.(18) The new faculty explicitly includes what commentators commonly admitted before, namely, that the faculty may be employed not only when it is not possible to read the Mass, but even when this can be done '*nonnisi extremo cum labore*.' The Congregation of Rites issued an Instruction on this matter, 15th December, 1957 (A.A.S., 1958, p. 51-54).

EXPOSITION AND RESERVATION OF THE BLESSED SACRAMENT

The Ordinary may allow, for a just reason, Exposition of the Blessed Sacrament with two lights of any kind. In regard to the lights for perpetual Exposition and the Forty Hours, the local Ordinary may make suitable rules.(19) The previous faculty excluded the Forty Hours from this concession. Buijs observes that when it is not feasible to have the desirable number of lights, the Ordinary should seek to find some alternative mark of solemnity in keeping with local customs, e.g., flowers, incense (cfr. *Periodica*, 1960, p. 378).

In places where no substance is available to provide lights, the Ordinary may allow the Blessed Sacrament to be reserved even without a light, but the Ordinary is responsible in conscience.(20) The phrase '*in casu tamen verae necessitatis*' which previously occurred in this faculty has been omitted. The necessity is now restricted to the lack of some means of providing a light, its does not include the necessity to reserve the Blessed Sacrament in a particular place.

If there is danger of irreverence or sacrilege, the Ordinary may allow the Blessed Sacrament to be reserved in a non-sacred but becoming place, and even without a light.(21) This faculty does not include a condition for the reservation of the Blessed Sacrament previously required, namely, that It be reserved for the sick. When the Blessed Sacrament is reserved for purposes of devotion, as in a community chapel, and there is danger of sacrilege or irreverence, the present faculty may be used. The faculty is not restricted to any particular time of day or night, as is Can. 1269, § 3.

The Ordinary may allow the Blessed Eucharist to be reserved in accordance with the norms of Can. 1265, even though a priest celebrates Mass in the sacred place only twice a month.(22) This is a new faculty. Canon 1265 determines the places where the Blessed Sacrament must and may be reserved, and lays down as a condition that there is someone to care for It, and that a priest

says Mass regularly in the place at least once a week. The faculty, therefore, provides for those cases where a weekly Mass is not possible.

WASHING ALTAR LINENS

The Ordinary may allow religious of both sexes to wash at the first washing palls, corporals and purificators.(23) This faculty was previously applicable only to religious sisters, but it now includes male religious. The religious who does the washing need not be the sacristan. Canon 1306, § 2 requires that the water of the first washing be poured into the sacrarium or, if there is no sacrarium, thrown into the fire.

COMMUNION OF THE SICK, EASTER DUTY

The Ordinary may allow priests and deacons, for a just reason, to bring and administer Holy Communion to the faithful who are sick, without wearing a surplice or being accompanied by someone.(24) This faculty has been changed slightly: *for a just cause*, replaces the former clause about danger to the missionary, and only the surplice is mentioned, not the stole. The IV Plenary Council of Australia and New Zealand laid down: 'In carrying the Blessed Eucharist privately (priests) are to observe the rules prescribed by the Church, namely: in the church, when priests remove the Blessed Sacrament from the tabernacle, they are always to wear a surplice and stole and to have the candles lighted.' (Dec. 389) 'Outside the Church, the priest is always to wear a stole under his coat; (the Blessed Sacrament) is to be carried in a pyx enclosed in a small bag or burse, and placed in the breast pocket. He should not go alone at night, if he has any special reason to fear some danger.' (Dec. 390)

The Ordinary may allow the time, within which the Easter Communion is to be made, to be anticipated from Ash Wednesday. This is a new faculty, but it adds nothing to the faculty already enjoyed by the Church in Australia and New Zealand (cfr. IV Plenary Council, D. 383).

NUPTIAL BLESSING

The Ordinary may give the faculty to impart the Nuptial blessing outside of Mass or to recite the prayers according to the formulas contained in the Roman Ritual.(36) This faculty may be subdelegated. The faculty has not been changed, apart from the indication of the blessing which is contained in the body

of the Roman Ritual, Tit. VIII, chap. iii and chap. iv. Chapter iii contains the Nuptial blessing given outside of Mass, hence to be used only when a Nuptial Mass could be celebrated for the couple, but is not actually celebrated. The Bishop may allow such a blessing during the *tempus clausum*, just as he may allow a Nuptial Mass. Chapter iv has a formula of prayers that may be used when the Nuptial blessing cannot be given because the bride has already received the blessing at a previous marriage, or because the wedding takes place during the *tempus clausum*. Both of these blessings require an Apostolic Indult for their use, and this is granted by the present faculty. For those using the *American Collectio Rituum*, attention is drawn to the discussion in the *A.C.R.*, 1958, pp. 155-157.

BLESSINGS, INDULGENCES

Section B of the Formula of Faculties contains a number of faculties concerning blessings and indulgences, and for the most part these have undergone no substantial change. It will suffice to consider them in a more summary fashion.

The faculty to bless with a sign of the cross rosary beads, crosses, small statues and holy medals, and to attach to them the Apostolic Indulgences, and the Brigidine and Crozier indulgences to rosary beads, is renewed.

To faculty 42, which concerns the consecration of chalices, patens and altar-stones, has been added the blessing of the antimensium. The Ordinary could previously give this faculty only to one or other '*ex sacerdotibus suis*,' but the new formula omits '*suis*.'

The change in faculty 43 from '*praeter concessionem de qua in can. 914*,' to '*praeter concessionem communes a Sancta Sede factas*' was necessitated because of the enlargement of the faculty of Canon 914 granted by Pope Pius XII, 20th July, 1942. By common law a Bishop may give the Papal Blessing three times a year, Abbots, Vicars and Prefects Apostolic twice a year. In addition to this the present faculty grants permission for the Blessing on three other days.

The Plenary Indulgence on the occasion of a solemn First Communion and at a Confirmation may now be granted to all *who are present*.⁽⁴⁴⁾ The Plenary Indulgence for converts remains unchanged.⁽⁴⁵⁾ In the faculty for the Plenary Indulgence for clerics and religious after making a retreat, the expression '*per quinque saltem dies*' has been changed to

'*per tres saltem integros dies.*' According to the commentators, the two expressions amount to the same thing. Similarly, the faculties for granting the Plenary Indulgence after a mission (47), and on the occasion of parochial Visitation (48) have not been changed.

The Ordinary may allow the faithful to gain Indulgences, for which confession at least twice a month is required, even though they go to Confession only once a month.(49) The condition previously laid down for this concession was: '*ob legitimum impedimentum.*' Buijs comments that the Ordinary must have a reasonable cause for making the concession, such as the small number of confessors, but once the concession has been made, then all the faithful may use it even though they may not experience any personal difficulty (cfr. *Periodica*, 1960, p. 394). The next faculty, which is a new one, further extends this concession. If the faithful live in places where it is impossible, or at least difficult, to go to Confession, the Ordinary may grant them the faculty of gaining Indulgences which require Confession and Communion, provided that (*dummodo*) they are at least truly contrite, and have the firm resolution of confessing their sins as soon as they are able.(50) Buijs here remarks that the difficulty of going to Confession must be verified in each case, but it will be more easily verified in the case of the old and infirm (*ibid.* pp. 394-95).

The faculty to bless crucifixes for a Plenary Indulgence in danger of death has not been changed.(51) The formula of the faculty for the erection of the Stations of the Cross and the blessing of crucifixes to which are attached the indulgences of the Way of the Cross has been modified, but the content of the faculty has not been changed.(52)

The faculty to erect Confraternities has not been altered (53), and likewise the faculty to allow priests to enrol the faithful in confraternities, and to bless and impose scapulars.(54) In the latter faculty '*sacerdotibus*' has replaced '*suis missionariis.*'

ANTICIPATION OF DIVINE OFFICE

The Ordinary may give permission to recite privately Matins and Lauds of the following day immediately after mid-day.(55) This faculty is unchanged. However, the subsequent publication of the new Rubrics of the Breviary and Missal touches on the point. The new rubrics never speak of 'private' recitation of the Office, just as they never refer to 'private' Mass. The recitation

of the Office may be: i. *in choir*, when recited by a community bound by ecclesiastical law to the choral recitation of the Office; ii. *in common*, when recited by a community not bound to choral recitation, e.g., secular priests during a retreat; iii. *alone (a solo)*, when an individual recites it on his own (cfr. 140). This terminology was fixed in the Instruction of Congregation of Rites, 3rd September, 1958, but the *privatim* of the faculty slipped through.

The rules for the times of the Office are fixed by the new Rubrics in the following paragraphs:

142. The Canonical hours of the Divine Office are destined of their nature to sanctify the different hours of the natural day. Accordingly, it is conducive both to the genuine sanctification of the day and to the recitation of the hours with spiritual profit, that they should be discharged at the time that corresponds to the proper time of each of the canonical hours.

143. However, in order to satisfy the obligation of reciting the Divine Office, it suffices that all the canonical hours be said within the space of the twenty-four hours of the day.

144. *Matins*, for a just reason, may be anticipated in the afternoon or evening hours of the preceding day, but not before two o'clock in the afternoon.

145. *Lauds*, being morning prayer, are said *in choir* and *in common* first thing in the morning; it is appropriate to keep to this even when reciting them *alone*.

146. *Vespers*, even during Lent and Passiontide, are said *in choir* and *in common* in the afternoon; it is appropriate to keep to this even when reciting them *alone*.

147. *Compline* is said most opportunely by all who are obliged to the recitation of the Divine Office, but especially by religious communities, as the last prayer at the end of the day, even when, for a just reason, *Matins* of the following day has already been anticipated.'

In this case, the *Pater noster*, otherwise to be said after the verse *Adiutorium nostrum*, is omitted and in its place, *in choir* and *in common*, the examination of conscience is made for a reasonable period of time; then the *Confiteor* and the rest are said as usual. It is appropriate to keep to this even when reciting it *alone*.

Rubric n. 145 indicates that as from 1st January, 1961, *Matins* and *Lauds* are to be regarded as two separate hours, and that *Lauds* may not be anticipated on the previous day. The *Motu*

proprio of Pope John XXIII, which introduced the new Rubrics, stated that all statutes, privileges, indults and customs of any kind contrary to the rubrics are revoked (n. 3). It would seem, therefore, that the faculty under discussion will be applicable only to the anticipation of Matins. Perhaps an authentic interpretation may be given.

ROGATION PROCESSIONS

The Ordinary may transfer the Rogation procession to days, which in the opinion of the Ordinary are better adapted to local conditions. (61) This is a new faculty.

Since the new Rubrics of the Breviary and Missal introduce some changes for the Rogation processions and recitation of the Litany of the Saints, the pertinent rubrics are quoted.

'82. According to the conditions and customs of churches and places, of which matters the local Ordinary is the judge, a procession is held on this day (i.e., 25th April) and during it the Litany of the Saints is said (but without being doubled), along with its prayers.

83. If, however, the procession cannot be held, local Ordinaries are to arrange special public prayers, during which the Litany of the Saints and the other prayers customary in the procession are said.

84. All, who are bound to the recitation of the Divine Office, and who are not present at the procession or special public prayers mentioned in the preceding paragraph, are obliged to recite in Latin on this day the Litany of the Saints with its prayers.

85. If the Litany of the Saints and its prayers, according to local custom, is said with the faithful in the vernacular during the procession or other special public prayers, those who are bound to the recitation of the Divine Office, and who are duly present at these public prayers, are not obliged to repeat these prayers in Latin.

86. The Mass of the Rogations is to be said regularly at the conclusion of the procession, according to the norms laid down in nn. 346-347. Indeed, it is appropriate that the Mass of the Rogations be also said after the special public prayers which take the place of the procession, even though they are held in the evening.

87. The Lesser Litanies or Rogations are normally (*per se*)

assigned to the Monday, Tuesday and Wednesday before the feast of our Lord's Ascension.

The local Ordinary has authority to transfer them to another three successive days better suited to the peculiarities, customs or needs of the area.

88. The Lesser Litanies are not mentioned in the Office, but only in the Mass which is connected with the procession or other public prayers.

89. In regard to the procession or other public prayers and the Mass or commemoration, what has been laid down above for the Greater Litanies is to be observed (nn. 81-83 and 86).

90. The Litany of the Saints with its prayers is said on these days only in the procession or other public prayers (cfr. n. 85). Accordingly, those who are bound to the recitation of the Divine Office, and who are not present at the procession or other public prayers, are not obliged to recite the Litany of the Saints with its prayers on these days.'

The above Rubrics clearly indicate that the Ordinary cannot transfer the Greater Litanies (25th April), and if a procession cannot be held, he must arrange for some other special form of public prayers during which the Litany of the Saints is to be said. But the Ordinary is empowered to transfer the Lesser Litanies to a more suitable time. In the light of this distinction, it would seem that the present faculty should be interpreted as identical with the new Rubrics, and so the power of missionary Ordinaries is not more extensive than that of other Ordinaries. Again we may await an authentic interpretation.

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THE NEW RUBRICS OF THE MISSAL AND BREVIARY

A translation of the full text of the new Code of Rubrics of the Roman Breviary and Missal is in course of preparation. The translation will be accompanied by a practical commentary on the new rules.

Further details will be announced by the publishers: The Catholic Press Newspaper Co. Ltd., 104 Campbell Street, Sydney. N.S.W.

P.L.M.

Homiletics

CHRISTIAN PRIESTHOOD

For many people the ordained priest is an enigma. And certainly, there are a host of odd paradoxes about his life—oddities for which his priesthood, not his own character, is responsible.

Ordination invests the priest with a strange, though sacred, status; and it sets him a baffling task. For priesthood commits a man to the “reconciliation” of irreconcilables. As a full-time mediator, the priest works to make peace between sinful man and the all-holy God. And indeed, his work is to harmonise these extremes in himself, just as they were harmonised in the very person of Christ, who was both true God and true man, and the only true priest. Inevitably, then, his priesthood makes him an ambiguous figure, a holy contradiction, as Christ Himself was. It places him between God and man, leaving him the friend of both but the equal of neither. At once it divides and unites, elevates and humbles. For it both isolates him from his fellows and integrates him more truly into the human family; it sets him above men, and yet makes him the servant of all. No man is more alone than the priest, and no man is more fully one with so many than he.

“Taken from among men,” as the Epistle to the Hebrews says, the priest is irrevocably separated from his former companions to become “a man apart.” Quite deliberately, he forsakes his parents and his family and the hope of permanent companionship with his wife and children. He stands at the altar, a lonely figure; and his isolation there is a happy symbol of the solitary life which he, impelled and strengthened by God’s grace, has chosen to lead.

Indeed, it is much more than a symbol. His power to offer sacrifice *demands* that the priest be a solitary. For in the first place, his is a holy power, and its very holiness builds barriers between him and those who do not possess it. We recognise in holy things something which is outside our grasp, and instinctively we set them apart because of what they are. It is because he is called upon to perform the most sacred actions of which a man is capable that the priest is consecrated to God and set apart from all others. His dignity isolates him.

But, even more fundamentally, it is because of his association

with Christ that the priest must stand alone. At the altar he is the agent of Him who was the lonely and "God-forsaken" (Cf. *Mth.* xxvii, 46) victim of His own sacrifice. Reverence for this basic feature of the Christian sacrifice, and above all the desire to imitate Him who offered it, must make every Christian priest a victim. And he becomes that, a "living sacrifice," by reason of the exile's life he voluntarily leads. He is taken from amongst men as the victim is torn from those who offer it to be set aside exclusively for God. Henceforward, his one real associate is the Victim whose sentiments he struggles to reproduce. From Him he learns to speak the only language which God understands—the language of sacrifice. He learns that to offer the Christian sacrifice worthily, he must first offer himself; that he personally must become a part of that "ransom" which was, and still is, given "for the salvation of many." The pain of separation is his lasting contribution to the sacrifice he helps to perpetuate.

And yet, in spite of this—and in point of fact, because of this—the priest belongs to all. Truly a "universal man," he represents us all and carries something of the cares of each of us as he stands before God to intercede on man's behalf. This, too, is the law of sacrifice. For in order to sacrifice for us, he must be one of us—one in nature, but also in emotion. His sacrificial work is counterfeit unless he, the priest, is understanding, approachable and sympathetic to our needs. Unless he is all this, his sacrifice will not be ours.

Between him and us there must be a holy "transfer"; and its basis is a shared experience. Our worries and hopes he must have made his own. And for this to be so, he must think and suffer as we do, seeing things as we see them, feeling in himself the same insecurities and the same longings as we. Unless he is truly compassionate, he is not "our priest"; and then his sacrifice becomes a formality rather than the sacred reality it should be.

From Christ the priest learns the language of sacrifice, but this is not his native tongue. He speaks, as we do, the language of sacrifice, and this he must translate into that other sacred tongue which God so longs to hear from the lips of man.

The paradoxical situation of the priest is something we all recognise, at least in practice. The ambiguity of his state is in some way reflected in the contradictory attitudes we Christians adopt towards him. Fully expecting the ordained priest to be

a man apart, we are prepared to reverence him from a distance; but we are also dismayed should he prove insensitive to our problems or in any way aloof. Because we think of him as "ours," at times our interest in the priest can be almost proprietorial; at other times we feel only a profound respect, or even awe, for him, because we know the immense distance which separates him, the priest, from us, his people. We cannot tolerate indifference in him, but most of us expect him to be "different." True wisdom underlies these "feelings" we have about the priest. They show that we are aware, perhaps unconsciously, of the inner dynamics of the Christian sacrifice. For as the sacrifice, so the priest.

This sacrifice it is which binds the priest so closely to us and sets him so far above us. Ultimately its nature provides the explanation for the divided life he leads. At Mass the ordained priest *consecrates*—he *alone*, for only he is the anointed instrument of Christ at the altar. And so his life must be a "consecrated" one, and he himself segregated from those who do not share his dignity. But as well as immolating the victim in a mystical way, he also *offers* it; and this he does *together with all* those whom he represents. In this the faithful are his associates. They are "co-offerers" of the sacrifice, acting "with" him and not merely "through" him. And it is this basic feature of the Christian sacrifice which makes the priest, in his daily life, the associate of all, "all things to all."

The same strange contradiction, then, which runs through the life of the ordained priest is also to be found built into the very structure of the Mass. It, too, is something in which we Christians simultaneously share and do not share. And what is true of the ordained priest and the Christian sacrifice is also true of the Christian priesthood in general. A similar law manifests itself in each, since all three are so intimately connected.

All of us who are baptised have a share in the Christian priesthood, and precisely because our membership in God's People makes us capable of *offering* something to Him. Are not these well-known words of saint Peter an unequivocal, and thrilling, commentary on our own dignity?:

"You must be a holy priesthood to offer up that spiritual sacrifice which God accepts through Jesus Christ . . . you are a chosen race, a royal priesthood, a consecrated nation, a people God means to have for himself; it is yours to proclaim the exploits of the God who has called you out of darkness into his marvellous light."
(I Peter ii, 5, 9).

Fulfilled in us, the members of Christ's Church, are all those privileges which were the special glory of Israel. Our lives are to follow the same basic pattern as theirs. The same facts which made them the "people of God"—election, consecration, alliance—make us the members of Christ's Body, the Church. For us, reading of the exploits of "God's Israel" is like peering into a fogged mirror: we can detect there the hazy outline of ourselves—merely the outline, because within, all has been transformed, made "new," through the coming of the God-man. He, the great renovator, restored and beautified everything, doing violence to nothing, except the reign of sin. All that was good He retained, but perfected. And so, even the Old Testament relationship between God and man carries over into the New fundamentally unchanged, although it, above all else, was thoroughly refashioned and renewed by the appearance of the Christ. Universal fulfilment is the God-man's lasting achievement. Sharing in this, we became "the new Israel."

Justifiably, then, Peter became an inspired plagiarist, borrowing unashamedly from Isaias and others titles for his Christian "saints." No doubt he did so proudly, certain that he was making better use of these titles than the prophet himself could; and that they belonged to him and to his more truly than to Isaias and his contemporaries. Indeed, he says as much, in an earlier chapter of the same Epistle:

"Salvation was the aim and quest of the prophets, and the grace of which they prophesied has been reserved for you . . . their errand was not to their own age, it was to you." (*I Peter* i, 10, 12).

Trudging gladly along the road that led from Babylon to freedom, the Jews were, doubtless, all that the prophet had said they were: a "chosen people," selected to proclaim the wondrous exploits of Him who had repeatedly freed them from bondage (Cf. *Isaias* xliii, 20-21). But the gifts that were theirs are more truly ours. And the words which Yahweh Himself addressed to the Israelites from Sinai are, likewise, anything but dated. As applicable now as when they were spoken, they have survived the passing of the Old Alliance into the New and have found new meaning in the process, as saint Peter's use of them shows. Read in the context of the coming of God's Son and the formation of the Church, they too gain a fulness which they could not have had before:

"Tell them, you have seen for yourselves what I did to the Egyptians, how I carried you as if on eagle's wings, and took you up into my care. Listen, then, to my voice, and keep your covenant with

me; and I, to whom all the earth belongs, will single you out among its peoples to be my own. You shall serve me as a royal priesthood, as a consecrated nation; tell the Israelites this." (*Exodus* xix, 4-6).

Attracting, beckoning, impelling, a "kindly light" has led us all to the Church, and we have become, like the Israelites, members of a "chosen race"; but we form a *spiritual* family. God has isolated us, as truly as He isolated them; and He has "acquired" us, too, winning us by His generous assistance. But in order to win us, He conquered sin, not the Egyptians. God "means to have (us) for himself"; but, again, we are his "peculiar possession" in a much more exalted way than were the Jews. We too can proudly call ourselves "a consecrated nation"; and we are that because God's grace, given to us in Christ, has sanctified us *interiorly*. In us, Israel's privileges are continued, but *spiritualised*. And since the price of such privilege is service, a "spiritual service" (*Roms.* xii, 1) is now expected of us.

As His part of a sacred "bargain," God Himself has chosen and consecrated us. And what this wonderful alliance demands of us, as saint Peter reminds us (echoing here the words of the Epistle to the Romans), is "a spiritual sacrifice." Offering this sacrifice of our obedience as loyal and grateful members of God's Kingdom, we share in "a royal priesthood."

In a very real sense we Christians are "priests" when, out of gratitude to God, we offer ourselves as a sacrifice which is "living, holy and pleasing" to Him (*Roms.* xii, 1). But it would be a sad perversion of a wonderful truth to think of this priesthood of ours as being independent of that which the ordained minister of Christ exercises at the altar. Our offering only becomes a reality, something worthy of God and acceptable to Him, when we, the "consecrated people," collaborate with an ordained priest at Mass. Saint Peter says that, in his own forthright way: "You must be a holy priesthood to offer up that spiritual sacrifice *which God accepts through Jesus Christ.*" It is only "through" the sacrifice of Christ, the Mass, that ours becomes "acceptable." What we offer must be consecrated by the action of Christ's instrument if it is to have meaning in the eyes of God. And hence, that priesthood which we may truly, and proudly, term "ours" is radically dependent on another which is "not ours."

It was left to a philosopher to discover that it is only the rational person who can truly enjoy a laugh, and this is sur-

prising. One wonders why it wasn't a theologian. For to anybody who ponders over the paradoxical ways of Divine Providence, it must be obvious that God has a sense of humour.

There must be something amusing about our present situation, as viewed from eternity. Torn between delight at the fulness which is ours and disquiet for that fulness which is not yet ours and which we eagerly await, we Christians are divided people. Our position is ambiguous.

Christ has come; but Christ is still to come. And that, surely, is the explanation for the tension which so torments the Christian. Rejoicing and yet waiting, he is "living and partly living." Even the things which are ours are still not completely ours.

Perhaps that is why we Christians can cast a possessive eye over the ordained priest, the Christian sacrifice and the Christian priesthood, telling ourselves that all these are ours, and yet know that we must still give to them that distant reverence which we show towards things that are not our own.

KEVIN WALSH.

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SHORT NOTICE

A YEAR WITH THE LITURGY, by Canon Jacques Leclercq. Dublin, Scepter; 216 pages; price, 12/6.

A recent addition to the Sharon selection of Modern Spirituality is Canon Jacques Leclercq's "A Year with the Liturgy." This present version is the first English translation of a book that appeared in French as far back as 1944. Disappointment awaits those who expect to find in it a companion to a work such as Pius Parsch's "The Church's Year of Grace." But with the reservation that it is not a source of liturgical information, or a contribution of liturgical importance at all, this book is quite valuable in its own right. Its scope is more clearly suggested in the sub-title: "Meditations and Prayers," and that is precisely what it is—a series of meditations and prayers in the framework of the liturgical year. Not that the treatment of seasons and saints is anywhere near complete; far from it. But sufficient is there, at least, to give the skeleton life and limbs. The style is terse, intensely personal, and frequently quite moving. There is nothing rigid, nothing formalistic; everything is simple, direct, spontaneous. All in all, "A Year with the Liturgy" is a delightful example of spiritual writing in the best traditions of French Spirituality.

P.C.

Notes

The appointment of a Lecturer in Dogmatic Theology and
of a Lecturer in Fundamental Theology in the
NOTICE Theological Faculty of Sydney will be considered
at the beginning of the academic year 1961.
Applications, together with Testimonials and a letter from each
candidate's Ordinary, should reach the President before 1st
January, 1961.

JAMES MADDEN,
President

* * * * *

At the time of the late papal election, when famous names
were being uttered, it was amusing to put forward the name
of Cardinal Grente. It was his first and last conclave, as Cardinal
Grente has disappeared from the College of
CARDINAL Cardinals, the French Academy and the diocese of
GRENTE Mans, to rest in his beloved Normandy where he
had been born 87 years before. He was in desperate
health at the time of the election of Pope John XXIII, but it would
not be hazardous to guess that no cardinal viewed the conclave
with such a seventeenth century eye as did Georges Grente,
enamoured as he was of the great century—Francis de Sales,
Bossuet, Fénelon, Mme. de Sévigné (whose witty remark about
a sad preacher who urged his hearers not to fear death was:
“We willingly agreed with *him*, and so all were content.” It was
one of Cardinal Grente's favourites.). The grandeur, setting,
historical and literary character of a conclave must have charmed
him, as he listened to the rotund phrases of a Bacci. Some men
are interested in marriage counselling; others in the worker-
priests; Cardinal Grente early settled for literature. He was in
the line of Bossuet, Fénelon, De Bausset (whose placid life of
Fénelon written somewhere about 1814 has the gentlemanly
ring of the *Ancien Régime* about it, as if Revolution and the
Empire were but noisy incidents to be forgotten) and
Chateaubriand who dramatized his position as French ambassador
in Rome with a romantic eye on the historical effect. At the
conclave he mentions in the preface to the new volumes of his
magnificent *Dictionnaire des Lettres Françaises, XVIII^e Siècle*
(Paris, 1960, 2 volumes) he was delighted to hear from an Italian

cardinal that the previous volume on the XVII century was his favourite reading. In 1936 he was elected to the French Academy on the death of Pierre de Nolhac, whose erudite and poetic works charmed Georges Grente. Towards the end of his long life devoted to teaching and literature, he conceived the plan of a vast literary dictionary, century by century. Already two volumes had appeared treating of the sixteenth and seventeenth centuries. Cardinal Grente had hoped that all party spirit and bias should be absent from the contributions of the scholars whom he asked to write the various articles. And the 18th century was a real test, as it was the time of the famous *Encyclopédie*. Two volumes have been devoted to the Age of Reason, not because, Cardinal Grente hastens to say, it was judged more important than the wonderful preceding century, but French literature was never more admired nor more widely practised than in the 18th century. It was characteristic that a Prussian, Frederick the Great, a Swiss, Jean-Jacques Rousseau, a Belgian, Prince de Ligne, an Englishman, Walpole, an Italian, Galiani, all found that in French their ideas ran smoothly and elegantly. The articles on Voltaire, Rousseau and the Encyclopedia are interesting examples of Cardinal Grente's editorial method. Voltaire for instance is in the competent hands of André Maurois. Was there ever such an annoying fellow as Voltaire? Born in 1694, Voltaire was educated at the Jesuit college Louis-Le-Grand (it was known as the Collège de Clermont some fifty years before when Molière was a pupil. It is now the Lycée Louis-Le-Grand.) Voltaire had then and retained the best of relations with his Jesuit teachers, who admired the wit and intelligence of the small boy. His family was Jansenist in religion, and it was perhaps by reaction that he hated the devout; another influence can be found in his godfather, the abbé de Chateauneuf, summed up by Maurois as a *grand libertin*, who taught the boy to recite an agnostic poem at three years! One other influence in Voltaire's education must be mentioned, Ninon de Lenclos, the beautiful octogenarian *courtisane*, who encouraged Voltaire to write his epigrams—as M. Maurois puts it Voltaire was educated by *une grande courtisane érudite, un abbé libertin, des Jésuites*—and this education somehow made him the very model of the 18th century. Louis XIV died in 1715, and the old king's passing brought a general desire for liberty, aided and abetted by the Regent, Philippe d'Orléans, who vaunted England's freedom from *lettres de cachet* and edicts of exile. The young Voltaire had found his world, but his malicious verses soon

found in the Regent a ruler who believed in the Bastille and the famous *lettres de cachet*. M. Maurois describes in the most lively way the encounter between Voltaire and an insignificant member of the Rohan family. It led to the Bastille and exile in England, of which country Voltaire became the great French authority. He met Bolingbroke, Pope, Gay and he was in communication with Swift; he contrasted the constitutional monarchy with the absolute; he read the philosophy of Locke; he became acquainted with the plays of Shakespeare, who was, he thought characteristically, a genius, full of force and imagination, but without taste, and worse, was ignorant of the dramatic rules. All Voltaire is in that judgment: intellectual curiosity which led him to read and to translate (badly) Shakespeare, and the facile, shallow appreciation. Voltaire's works, in spite of their vast learning and the ever constant wit, are sadly faded. Alone M. Maurois thinks *Candide* and the *Dictionnaire Philosophique* out of the immense output of a mighty worker (Voltaire had the secret of perpetual work with which nature seems to endow the small and delicate) have retained readers. *Candide* is the voice of the 18th century itself: Candide comes to realize that man is a spiteful animal, the world is foolish, kings are locked in battle, religions tear one another to pieces, therefore let us limit our activity and try to do as much good as we can in our little task. *Il faut cultiver notre jardin*. Voltaire's garden, however, was a large one; he adored great nobles and the life at Versailles and Potsdam. Maurois asks was a Voltaire a great character? He mocked kings, but he flattered them; while he preached to the churches to pardon insults, he never forgave one himself. Was he a man of great intelligence? He understood nothing of the real nature of religion and confused Christianity with those who deformed it. Was he a man of charity? He hated suffering and intolerance (the Calas affair), and in that he has won regard. It is strange that this writer, so superficial in many ways, seems to men the incarnation of the 18th century. He was extraordinarily alive, and he had the knack of making clear and amusing anything he touched. Maurois ends by giving a very long list of the editions of Voltaire's works and the studies devoted to the life and teaching of the writer. In some of the other notices in the two volumes, the bibliographical information is disappointing.

The value of this work is that it records the life and works of very minor figures in the 18th century, as well as the giants such as Rousseau (G. P. Moreau), Saint-Simon (R. Barroux),

Montesquieu (P. Hazard) and Diderot (M. Pagnol). Two further volumes are to appear, the Middle Ages and the XIXth century, which with the four that have already appeared will continue to make known the name of Georges Grente.

One feels sure that Cardinal Grente would have allowed Mr. D. B. Wyndham Lewis's new book, *Molière: The Comic Mask* (London, 1959, 215 pp.) to be tacked on here. Mr. Wyndham Lewis, after visiting Florence for the subject of a recent book, has returned in this essay to France and the XVIIth century. He tells us that one night years ago the actor Copeau was playing Alceste in the noble comedy, *Le Misanthrope*, when the actor with a sigh for his own weakness and helplessness said in a voice "throbbing with the veritable pain of Molière himself": *Morbleu! faut-il que je vous aime*. Mr. Wyndham Lewis became Molière's slave. He has a gift of being interested in any subject he takes up, and in forcing the reader to share his interest. Molière was a well educated boy, with a solid family background. His father wished him to study the law; he wished to be an actor. An actor in that age was outside the pale and was to boot excommunicated by the Church. Molière led the vagabond life of a strolling player in provincial France for long years, piling up impressions of men and women. Then came his relative success (there were no "runs" of two years then) and his series of gay, sad plays. Actor fellows are always a source of worry for the moralist, especially as the stage with its preoccupation for dealing with marriage and the problems of life runs into collision with the pulpit. Already the eyes of Bossuet and Bourdaloue were upon the unhappy dramatist (he had married his leading lady, but their relations were mainly professional), when Molière entered the religious field with *Le Tartufe* (this is Mr. Wyndham Lewis's spelling; Cardinal Grente spells it *Le Tartuffe*). It is a play of hypocrisy, religious hypocrisy. The family of Orgon are appalled because Orgon has been bewitched by a religious hypocrite, Tartufe, once lean, now plump, a rosy-faced, oily, eye-rolling, groaning scoundrel. Orgon refuses to believe his friends when they tell him the truth. Cleverly, Molière delays Tartufe's entrance until the third act, when he appears, with the very surprising opening lines: "Laurent! Lock up my hair-shirt with my scourge!" Tartufe's real interest, naturally, is to get hold of Orgon's money and his wife, whom he assures: "Certainly, Heaven forbids us certain delights, but one can come to terms with it . . . you have nothing to do but let yourself be guided."

Finally he is unmasked. The weakness of the play is that Molière does not draw a distinction between true and false religion, in spite of some lines that friends persuaded him to put in, and the grimaces with which resignation and sacrifice were greeted led both Bossuet and Bourdaloue to condemn the play; with their verdict much later Napoleon Bonaparte surprisingly agreed, but from political grounds as he knew that to weaken religion, the cement of civilization, was disastrous to the State.

Molière had a fatal attack while playing, ironically, in *Le Malade Imaginaire*—a fitting end, thought Bossuet, for a buffoon to be struck down with the laughter of buffoons ringing in his ears. The priests at his parish refused to come to see the dying man; after great persuasion one arrived too late. The actor died in the arms of two questing nuns to whom he had given hospitality for the night. Mr. Wyndham Lewis is at the top of his form in the book with his usual interesting views on all kinds of things. Perhaps Cardinal Grete would have said what was said of Victor Hugo's oration on Sainte-Beuve's *Port-Royal*: "Not bad for an actor fellow."

T. VEECH.

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SHORT NOTICE

THE JOURNAL OF RELIGIOUS HISTORY, Vol. 1, No. 1; June, 1960; Sydney; 60 pp.

Mr. B. E. Mansfield and his fellow editors have been quick to publish the first number of *The Journal of Religious History* following upon the formation of *The Association for the Journal of Religious History* which was founded to promote, among other things, the study of all fields of religious history, especially the religious history of Australia and New Zealand. In the foreword it is stated that "the journal is not the organ of a party or a school. Those who are working for it are professors of different religious faiths or of none." One of the members of the standing committee is Monsignor J. J. McGovern. The first issue contains three articles, a number of book reviews (including one on Philip Hughes's *The Reformation in England*, Vol. III, which, it is said, "is a work of scholarship, Latin both in style and sentiment." However, it turns that Hughes on occasions uses "the tools of polemical writing." Such expressions as: "The heresy hunts of Mary and her hierarchy," "the English Papists" and "Hughes's sympathies with the English Roman Catholics in this period cause him to lose all sense of balance" are, one would suggest, somewhat out of place) and an interesting bibliographical note by Mr. Mansfield himself. Subscriptions can be sent to: *The Journal of Religious History*, c/o Department of History, University of Sydney. (£1/1/- for the June and December numbers, 1960).

Australasian Catholic Record

Book Reviews

CHRIST IN THE THEOLOGY OF ST. PAUL, by L. Cerfaux, translated by Geoffrey Webb and Adrian Walker. New York: Herder and Herder; London: Thomas Nelson and Sons Ltd., 1959; 560 pp.; 50/- stg.

Monsignor Lucien Cerfaux should not need any introduction, ranking, as he does, among the outstanding biblical scholars of to-day. The book under review is a translation of "Le Christ Dans La Theologie De S. Paul," which first appeared in 1951, a companion-volume to his "La Theologie De L'Eglise Suivant Saint Paul," which was published nine years earlier.

Cerfaux adopts a new approach to St. Paul's Theology. He sees a distinct development and evolution of the Apostle's theological thought running through his writings. The idea of evolution in the Pauline writings is certainly not new—it has long been recognized. Prat, for example, speaks of the "ever-ascending evolution of his (Paul's) thought." But most biblical theologians have interpreted this evolution as being primarily determined from without, determined, that is, by the progressively changing condition of the Church. They have seen it rather as an evolution in preaching and application dictated by the circumstances of the apostolate and the Christian communities. Cerfaux, on the other hand, while fully conceding the influence of external circumstances, sees the evolution as primarily and essentially internal. It is a continuous development within Paul's own soul, a progressive penetration into the mysteries of God which steadily perfects the Apostle's theological perspective. He states this evolution, too, in new terms. Actually, he is careful to qualify the word "evolution," explaining himself thus: "The principal factors of Paul's Christology remain constant throughout the epistles, and thus we cannot speak of a true evolution of his system. . . . On the other hand, one gets the impression that it is impossible to make one synthesis of Paul's thought that will be faithful to every stage of his career. Thus we have distinguished three successive levels in his development which are clearly differentiated because at each level his centre of interest is different."

This, the author's basic conception, determines the organization of his work. It is divided into three Books.

Book One, "Christ the Saviour," drawing on the epistles to the Thessalonians and the conclusion of 1 Corinthians, gives us the first period of St. Paul's Soteriology wherein he is nearest the earliest form of the creed and to the feeling of the Jerusalem community. The accent here is on the Parousia, firstly, which is salvation in the future, and secondly—and even more persistently, on the Resurrection. The Resurrection is the prelude to the Parousia which renders salvation a thing of the present, already with us. Accordingly, Christ's kingdom, too, is already established in our midst.

Book Two is entitled "The Gift of Christ," and the source-material is provided by 1-2 Corinthians, Romans and Galatians. At this stage of his life St. Paul had suffered much—in his own person and in the churches that he had founded. This must have led him to delve deeper into the mystery of Christ's suffering and death, for the emphasis has now shifted from Parousia-Resurrection to Death-Resurrection. It is the actual present glorified Christ Who has died for us that claims his attention—that, and man's sanctification which is inseparably bound-up with Him. He is at pains to show that neither Jewish law nor Greek wisdom can sanctify man, but only Christ. He is not only our redemption and reconciliation, but our very life, for we actually share in that life.

Book Three, "The Mystery of Christ," is dependent on the captivity epistles, especially Ephesians and Colossians. St. Paul's theological development had now brought him to an appreciation of the ultimate synthesis of God's work among men through Christ. Christ emerges as the unifying principle of all things animate and inanimate, Jews, Gentiles and the "cosmic forces." The accent here is on His divinity. The all-embracing plan whereby God has brought about the salvation of the world constitutes the great Christian mystery, the knowledge of which is one of the most precious possessions in the Christian life.

The author is painstakingly objective throughout his study of St. Paul's writings, and ever faithful in his concentration on St. Paul's own thought. Thus, on the one hand, he shows that Paul's Christology is exclusively the fruit of divine revelation and in nowise the product of any oriental syncretism, while, on the other, he pares away much that commentators have read into St. Paul's words.

Cerfaux seeks to give us the genuine St. Paul who, in turn, directs us unwaveringly to the person of Christ.

St. Paul's Theology is always complex and obscure, and we cannot expect any serious exposition of his teaching to make it simple for us. Indeed, in the present case, the author's own exposition is often obscure and difficult to follow. A synopsis is given at the end of each chapter, but this excellent idea might have been used to much greater advantage. His complete familiarity, too, with the finest nuances of Greek terms, and with the various "syntheses" and "antitheses" utilized by St. Paul, demand one's unflagging concentration throughout. Furthermore, the reader will often find the sentence-structure rather cumbersome, but this is one of the weaknesses inherent in almost any translation. Certainly one cannot blame the translators in the present instance—they have done their work well, notwithstanding some shortcomings.

It will be gathered from what has been said that this is not an easy book to read and absorb. He who would benefit from it must be prepared to devote much patient and thoughtful study to its pages, but he can rest assured that it is well worth the effort.

It is a truly scholarly work in every sense of the word, and ranks among the major contributions to Pauline studies in our own day.

E.C.

* * * * *

MODERN CATHOLICISM, by Walther von Loewenich. London, Macmillan and Co., 1959; 379 pp.; 72/-.

Recent years have seen a change in anti-Catholic polemics. The modern controversialist no longer, like the anarchist poet in Chesterton's *Man Who Was Thursday*, forms his opinion exclusively from such works as *Superstition the Vampire* and *Priests of Prey*. He reads Catholic sources; papal pronouncements, the decrees of Roman congregations and commissions, manuals of theology and more popular expositions of the Catholic faith or expressions of Catholic piety. These are quoted and interpreted inexorably to support the author's thesis. The claims of authority are made to appear tyrannical and totalitarian, judgments of special cases become the expression of a universal and constant attitude, the opinion of a publicist is indistinguishable from Catholic dogma. Mr. Paul Blanshard in America, Mr. Tom Truman in Australia, are excellent examples of the new controversialist; and we now have a German model in Dr. Walther von Loewenich, the professor of Protestant Church History at Erlangen University. His book is translated by Reginald Fuller, joint author of *The Church of Rome, a Dissuasive*.

Dr. von Loewenich refers to the revival of Catholicism in Germany, speaks sympathetically of those who desire the reunion of the Churches, and approvingly of the increase in interdenominational discussions. To help the understanding by Protestants of Catholics and by Catholics of what Protestants think of Catholics, and to deter Protestants from being deluded by the strong attraction which modern German Catholicism has for the modern German, he sets about the examination, presentation and criticism of the Church to-day.

The Church's doctrine is seen hardening and narrowing at Trent and during the centuries that followed. The Vatican Council subjected the Church formally to the bishop of Rome. The condemnation of Modernism showed the traditional Roman intransigence and authoritarianism at work, crushing an attempt to make Catholic doctrine viable in the modern world. So we come to the contemporary Church, its doctrine, its record in ecclesiastical politics, the Biblical and Liturgical movements, Mariology, the post-war theological revival and *Humani Generis*, Catholic Action, priest workers, reunion, toleration and a crowd of other topics.

Dr. von Loewenich's book shows a wide reading of Catholic sources and a judgment distorted by prejudice. His evaluation of

movements and events in the Church is determined by his eagerness to condemn what the Church approves and to approve what the Church condemns. Jansenism was the beginning of a spiritual revival smothered by the Pope. Modernism is viewed sympathetically in so far as it is destructive of "Vatican Catholicism," disapproved in so far as it is dangerous to Protestant Christianity. The modernists are praised for the courage of their opposition to Rome, blamed for the sophistry by which they tried to combine their modernism with their Vatican Catholicism, and this sophistry is in turn attributed to their education in seminaries. The quite untypical rumpus at the Vatican Council during Bishop Strossmayer's defence of Protestants against strictures in the draft of a decree on the Catholic Faith is made to represent the spirit in which the Council worked—"what could be expected from an atmosphere like that?" (p. 38) The significance of infallibility is misjudged: there has been no council since 1870 because with an infallible Pope there is no need for one (p. 41). Since 1870 bishops are just suffragans in their own diocese of the Pope (p. 44). Mary in Catholic doctrine "has become the causa efficiens of redemption" (p. 200).

The author interprets papal and conciliar pronouncements authoritatively. He will not allow the milder and correct interpretation of Catholic theologians. It is amusing to see, in this long indictment of Vatican tyranny, an authoritarianism that goes far beyond the most extreme of papal champions. The infallible Pope allows some freedom of expression, some difference of opinion to theologians commenting on papal statements. Dr. von Loewenich is not so accommodating. There is only one permissible interpretation—the strictest, the most extreme, his own.

This is a work which, however depressing, should be valuable to priests interested in reunion. It should help them to assess accurately the width of the gulf that still separates the Catholic and Protestant positions. Above all, it illustrates most clearly the fundamentally different concepts which the Catholic and Protestant have of the Church. For that is the real rock on which reunion founders. To accept the Church as an organism, developing indeed, but developing along lines laid down by Christ and under the direction of the Holy Ghost—to accept this is to accept all that the modern Church contains: papal infallibility and primacy, official Mariology (as distinct from incidental devotional extravagance) and the rest. In the first two or three pages von Loewenich's idea of the Church is seen to be radically different from the Catholic idea; and the sense of difference is reinforced in every chapter and particularly in the last. He is narrow where the Church is broad, broad where it is narrow; demanding identity between ancient and modern where the Church allows growth, and allowing change where the Church insists on faithful preservation of a deposit of revelation.

V.M.

A MEMOIR OF MY SISTER ST. THERESE, by Sister Geneviève,
(Dublin: Gill and Son. 1959. 249 pp.; 15/- stg.)

This memoir has been translated from the revised edition of the French *Conseils et Souvenirs*, published at Lisieux by Soeur Geneviève de la Sainte Face in 1951, the author being, of course, Celine Martin who, although four years older than St. Thérèse, did not enter Carmel for several years after Thérèse had become a nun. As, by that time, Thérèse was, in fact, if not in name, Mistress of Novices, Celine became one of her novices. She thus had unusual opportunities for observing her younger sister who was also her spiritual guide. She lived a long time after Thérèse had died and been canonized; it was not until her ninetieth year that her exile was over; the date of her death was April 28, 1958. For some years before she died she examined closely the contents of the note-books which contained her personal souvenirs of the saint, and there is something touching in the declaration she makes: "I have re-read and classified these reminiscences which were recorded in personal note-books and in my deposition for the Double Process . . . May these souvenirs assist many other souls in their efforts to overcome their faults and imperfections. I hereby affirm that these pages are in all truth conformable to all that I saw and heard." The book under review is the authorized translation by the Carmelites of New York.

This is a tender, wise little book. Let us hope that it escapes the attentions of some literary despoiler.

M.O.

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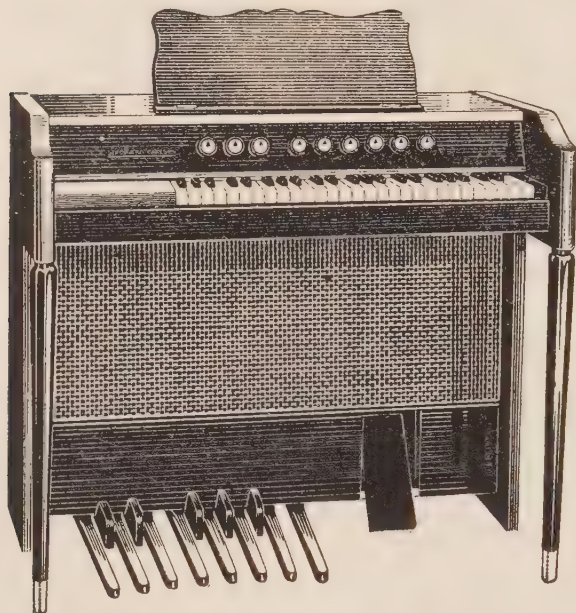
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